CONSVETVDO,

VEL,

LEX MERCATORIA,

OR,

The Antient LAW-MERCHANT,

Diuided into three parts:

ACCORDING TO THE ESSENtiall parts of Trafficke.

NECESSARIE FOR ALL STATESmen, Iudges, Magiſtrates, Temporall and Ciuile Lawyers, Mintmen, Merchants, Mariners, and all others negotiating in all places of the World.

By GERARD MALYNES *Merchant.*

Salus Populi, ſuprema Lex eſto.

LONDON,

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1636.

TO THE MOST HIGH AND MIGHTIE MONARCH *IAMES*, BY THE GRACE OF GOD, KING OF GREAT BRITTAINE, FRANCE, AND IRELAND, DEFENDOR OF THE FAITH.

Most Dread and Gratious Soueraigne,

THe ſtate of Monarchie muſt needs be the Supreameſt thing vnder the cope of Heauen, when Kings are not onely Gods Lieutenants vpon earth, and ſit vpon his throne; but alſo are called Gods, by God himſelfe, in regard of their *Tranſcendent Preheminences* and *Prerogatiues*, whereby they maintain *Religion* and *Fuſtice*, which are the onely true ſupporters and fundamentall ſtayes of all Kingdomes and Common-weales, ſo naturally vnited and conioyned, that where both of them are not, properly there can be neither. Theſe high *Attributes* cauſe their Lawes to be ſacred, and conſequently religiouſly to be obſerued; wherby *Fuſtice* is adminiſtred, which is *Diſtributiue* and *Commutatiue*. The *Commutatiue* part includeth *Trafficke*, which is the ſole peaceable inſtrument to inrich Kingdomes and Common-weales, by the meanes of *Equalitie* and *Equitie*, performed eſpecially by the *Law-Merchant*, by reaſon of her ſtabilitie. For albeit that the gouernment of the ſaid Kingdomes and Common-weales doth differ one from another: 1 In the making of Lawes & Ordinances for their own gouernment; 2 In the making of War, Peace, or Truce with forreine nations; 3 In the prouiding of money within themſelues for their

safegard and defence: 4 In the election of chiefe Officers and Magistrates: and 5 In the maner of the administration of *Iustice*, wherein many mutations are incident, yet the *Law-merchant* hath alwaies bin found *semper eadem*, that is, constant and permanent without abrogation, according to the most ancient customs, concurring with the Law of nations in all countries. Great reuerence is due vnto Lawes at all times, and hath bin in all ages. *Solon* caused the Athenians to sweare to the obseruation of his Lawes during the time of an hundred yeares. *Licurgus* did embrace a voluntarie perpetuall Exile, to haue his lawes obserued by the Lacedemonians vntill his return, intending neuer to return: and the Romans did suffer their old law of Twelue Tables, though vniust in many points, to decay by little and little, rather than to make a sudden alteration of it, tending to the contempt of Lawes. Greater reuerence then is due to the *Law-Merchant*, which hath prooued alwaies firme and inviolable.

Wise men haue obserued, that happy are those Common-Weales which are gouerned by Philosophers; happier is that King who can wisely gouerne them; but most happy is your Majestie, in whom true Philosophy doth reigne and prosper, as Vines doe in eminent places, by an inestimable treasure of an obseruing, discerning, and applying Princely judgement, gouerning your kingdoms and dominions The consideration whereof, accompanied with my bounden duty, hath emboldned mee of late to dedicate vnto your sacred Majestie a little treatise intituled, *The maintenance of Free trade*, wherein mention is made of this *Volume*, which likewise is to be presented to your Highnesse: for it befalleth vnto me as it did to the Philosopher, who by progression in wisedome endeauouring to attain to the perfection of knowledge, did perceiue that the neerer approching thereunto seemed to him to be furtheſt off. So my endeauors, striuing to deserue some things at your Royall hands, seem vnto me to merit least of all. But being confident of your most gratious benignitie and superexceeding grace, I do offer vnto your most juditiall eyes this *Law-Merchant*,

descri-

deſcribed according to the three eſſential parts of traffick, with the means whereby the wealth of your Majeſties kingdomes and dominions may be encreaſed and preſerued, which being done by juſt and politique courſes, may properly be called the *Preheminent ſtudy of Princes*, grounded by *Commutatio Negotiativa*, vpon the rule of *Equality* and *Equity*, as aforeſaid, obſerued by your high wiſedome, vpon the predominant part of Trade, which is the myſterie of *Exchange for Monies betweene vs and forrein Nations*, wherein your Highneſſe doth ſurpas all the Treatiſes and Conferences had by your Noble Anceſtors and Predeceſſors Kings, with other Princes and States. If your moſt Excellent Majeſtie therefore ſhall bee pleaſed (from the Zodiaque of your gratious aſpect) to caſt ſome reflecting beams vpon the plain ſuperficies of this *Law-Merchant*, euery little ſparke therein will become a flame, and all Merchants and others ſhall be inabled to draw (by the Diameter of it) Meridian lines of your Royall fauour, without which this Booke may be compared to a Sun Dyall, which is no longer ſeruiceable than whileſt the Sun beames do illuminate the ſame: In hope of which ſuperaboundant fauor I doe apoſtrophate this Epiſtle, but do multiply my ardent prayers for your Maieſties moſt happy reign long to endure ouer vs, to Gods glory and our comforts.

Your Majeſties moſt loyall

and obedient Subject,

GERARD MALINES.

To the courteous READER.

THat famous Philoſopher Zenophon *extolling the Perſian Lawes, teſtified, That their Citiſens from their infancie were educated and taught not to attempt, or almoſt to imagine any thing but honeſt and iuſt. Which was the cauſe (as* Gellius *reporteth) that* Draco *a Citiſen of Athens, made their Lawes ſo ſtrict and ſeuere, that it was ſaid they were written with bloud, and not with inke. Whereas on the other ſide the Law made by* Solon *was compared to a Spiders web, which taketh the leſſer flies, and ſuffers the greater to eſcape and to breake the ſame. So that euery extreme being vitious, Reaſon requireth a law not too cruell in her frowns, nor too partiall in her fauors. Neither of theſe defects are incident to the* Law-Merchant, *becauſe the ſame doth properly conſiſt of the cuſtom of Merchants in the courſe of traffique, and is approued by all Nations, according to the definition of* Cicero, Vera Lex eſt recta Ratio, Natura congruens, diffuſa in omnes, Conſtans ſempiterna: *True Law is a right reaſon of Nature, agreeing therewith in all points, diffuſed and ſpread in all Nations, conſiſting perpetually, whereby* Meum *and* Tuum *is diſtinguiſhed and diſtributed by* Number, Weight, *and* Meaſure, *which ſhall be made apparant. For the maintenance of Traffique and Commerce is ſo pleaſant, amiable and acceptable vnto all Princes and Potentates, that Kings haue been and at this day are of the ſocietie of Merchants: And many times, notwithſtanding their particular differences and quarrels, they do neuertheleſſe agree in this courſe of Trade, becauſe Riches is the bright ſtar, whoſe hight Traffique takes to direct it ſelfe by, whereby Kingdomes and Commonweales do flouriſh, merchants being the means and inſtruments to perform the ſame, to the glory, illuſtration, and benefit of their Monarchies and States. Queſtionleſſe therefore the ſtate of a Merchant is of great dignitie and to be cheriſhed; for by them countries are diſcouered, familiaritie between Nations is procured, and politique experience is attained. Whereupon I haue bin moued, by long obſeruation, to put the worthines of the* Cuſtomary Law of Merchants, *in plain and compendious writing, by vndoubted principles, familiar examples, and demonſtratiue reaſons, without affectation of curious words, more than the grauity of the Theme in ſome places did require.*

I haue intituled the book according to the antient name of Lex Mercatoria, *& not* Ius Mercatorum; *becauſe it is a cuſtomary Law, approoued by the authority of all Kingdomes and Commonwealths, and not a Law eſtabliſhed by the ſoueraignty of any Prince, either in the firſt foundation, or by continuance of Time. And beginning with* Time, Number, Weight, *and* Meaſure, *I do deſcend to the three eſſentiall parts of Traffick, diuided into three parts accordingly, by comparing them to the* Body, Soule,

and

and Spirit *of Commerce, namely,* Commodities, Money, *and* Exchange *for money by Bills of Exchanges. The first, as the* Body, *vpheld the world by Commutation and Bartring of Commodities, vntill money was deuised to be coined. The second, as the* Soule *in the body, did infuse life to Traffique, by the meanes of Equalitie and Equitie, preuenting aduantage betweene Buyers and Sellers. The third, as the* Spirit *and faculties of the Soule (being seated euery where) corroborateth the vitall Spirit of* Traffick, *directing and controlling, by iust proportions, the prices and values of Commodities and Monies. For euen as Merchants are the instrumentall cause of Trade, euen so is the exchange for monies the efficient cause with vs, in the course of Traffique, and become predominant or ouer-ruling the price of Commodities and monies, as aforesaid. This is manifested by three* Paradoxes, *alluding to the said three essentiall parts of Commerce, which for a Corollarie I haue added in the later end of this Book, with such other worthy obseruations as in the first Chapter are declared. And euen as the roundnesse of the Globe of the world is composed of the Earth and Waters; so the body of* Lex Mercatoria *made and framed of the Merchants* Customes, *and the* Sea-Lawes, *which are involved together as the seas and earth. In the description whereof I haue vsed to make repetition of the materiall points, according as occasion did minister vnto me for to make application thereof, for the better vnderstanding of the iuditious Reader, being the main scope that all Writers are to regard and care for. The means whereby the differences and controuersies hapning betweene Merchants in the course of Trade are ended, is also declared, which most of all require brevitie and expedition, and had need haue a peremptory proceeding, as was inuented for the Common Law of the Realme of England, the due commendation whereof is added hereunto; shewing also how of the same there might be made an* Art *or* Science, *and what obseruation of other Lawes are concurring with ours, both in the strictnesse of Law, and the lenitie of Equity, most consonant with the* Law-Merchant, *the knowledge whereof is of so great consequence, that without it all Temporall Lawes are not compleat, but imperfect. The scope of all therefore is, That the rule of Equality and Equitie may take place betweene vs and other Nations, which* Velut Ariadnæ cæca regens filo vestigia, non modo nos errare non sinit, sed etiam efficit, vt aberrantes in rectam viam deducamur, *as hath bin mentioned in our last Treatise of the maintenance of* Free Trade, *lately published. Concluding (Gentle Reader) vpon all the premisses handled (as I hope) substantially, I commend and submit the same to the louing entertainment of the profound and discerning iudgement of the discreet, wise, and experienced; wishing that (like matter set downe by the Pen of* Apollo) *they may sound sweetly in your apprehention, and giue to your conceit most harmonious Musick, Pleasure, and Delight.*

London *the 25 of November,* 1622.

Thine to vse alwayes ready,

GERARD MALINES.

A TABLE OF THE CONTENTS OF the first part of *Lex Mercatoria*, or the antient Law-Merchant, concerning Commodities, compared to the body of Traffick.

Chapter.		Pag.
1	AN *induction to* Lex Mercatoria, *or the Law-Merchant, and the Antiquitie thereof.*	1
2	*An Obseruation concerning Time.*	6
3	*Of Number, and the mysteries thereof,*	12
4	*Of Weights and Measures vsed in all places of the world, with other Obseruations,*	14
5	*Of the three essentiall parts of Traffique, namely Commodities, Money, and Exchange of mony by Bills of exchanges.*	44
6	*A Geometricall description of the World, especially of Europe, measured by millions of acres of ground vpon the Map.*	49
7	*Of the Commodities of all Countries, whereby Commerce is maintained*	52
8	*Of Commutation or bartring of Commodities.*	61
9	*Of ordinarie buyings and sellings of Commodities.*	67
10	*Of suretiship and Merchants Promises.*	68
11	*Of the revolution of buying and selling of commodities in the course of Trafficke.*	70
12	*Of the transferring and setting ouer of Bills, obligatory between Merchants and others.*	72
13	*Of the nature of Bills Obligatorie beyond the Seas, and in England.*	74
14	*Of Letters of Credit, and Blankes signed.*	76
15	*Of Letters of Atturney, or Procurations and Transports, and Conueyances.*	78
16	*Of Factors and seruants, and Commissions giuen vnto them.*	81
1	*Of the beginning of Sea Lawes.*	87
17	*Of the manner of proceeding in Sea-faring Causes.*	88
18	*Of buying and selling of Commoditier by Contracts.*	89
19	*Of Bankes and Bankers.*	95
20	*Of the Fraighting of Ships, Charterparties, and Bills of Lading.*	97
21	*Of the Master of the Ship, his power, and dutie of the Master to the Merchant.*	102
22	*Of the duties and priuiledges of Mariners.*	104
23	*Of the office of Assurances, and the ancient Custome of the same.*	105
25	*Of Policies of Assurances, and the substance of them, and of Contributions.*	108
26	*Of the manner of Contribution, or Aueridges.*	113
27	*Of the particulars to be obserued in Assurances.*	114
28	*Of the manner of proceeding for Assurances in case of losses.*	115
29	*Of Shipwrecke, and things found vpon the Seas.*	119
30	*Of partners, and ships voyages.*	120
31	*Of moneys taken vpon bottomarie, by the Master of a Ship, called* Fœnus Nauticum.	122
32	*Of Shipping and Navigation.*	123
33	*An Abridgement of the Imperiall Sea Lawes of the Haunce Townes made in the yeare* 1614.	125
34	*Of Navigation, and communitie of the Seas.*	130

35 *Of*

Chapter.		Pag.
35	*Of the distinct Dominions of the Seas.*	132
36	*Of Customes, Subsidies, and Impositions paid vpon commodities.*	137
37	*Of Merchants Wagers, Stipulations, or Conventions.*	140
38	*Of Merchants markes set vpon commodities.*	141
39	*Of the buying and selling of commodities by Brokers, and by the Candle.*	143
40	*Of buying of commodities by condition, termed* Capiticus, *and selling things vpon casualties.*	144
41	*Of diuiding of commodities by Lots.*	145
42	*Of Associations, Monopolies, Engrossings, and Forestallings.*	150
43	*Of Merchants Oppignorations.*	153
44	*Of the proceedings vsed against Bankrupts.*	156
45	*Of Manufactures.*	161
46	*Of Plantation of people, and new discoueries.*	164
47	*Of the fishing trade.*	169

The contents of the second part of Lex Mercatoria, *concerning Moneys compared to the Soule of Trafficke.*

1	OF *the essence or existence of Mettalls,*	178
2	*Of Mines Royall.*	181
3	*Of mines and mineralls.*	186
4	*Of the profitable working of mines.*	189
5	*Of the nature of gold, siluer, and copper, and of the moneys made thereof.*	191
6	*Of the officers of mints.*	186
7	*Of the assayes of bullion and moneys.*	190
8	*Of the weight and fineneſſe of moneys, and their seuerall standards.*	194
9	*Of the valuation of moneys, and the proportion betweene gold and siluer.*	205
10	*Of the lawes and prohibitions against Vsurie.*	217
11	*Of vsurie politicke, and moneys deliuered at interest.*	220
12	*Of intollerable Vsurie, and Lombards.*	225
13	*Of* Mons pietatis, *or Banks of Charitie.*	227
14	*Of the true calculation of monies at interest.*	230
15	*Of Vsurious Contracts.*	233
16	*Of lawfull Bargaines and Contracts.*	235
17	*Of the vniuersall and perpetuall princely Contract of Commerce.*	236
18	*Of monies deliuered vpon liues, annuities, and Pensions.*	239
19	*Of the denomination and diuision of the monies of diuers countries.*	240
20	*Of Merchants accounts kept by Debitor and Creditor.*	241

The Contents of the third part of *Lex Mercatoria*, concerning Exchanges of Monies by Bills of Exchanges, compared to the faculty of the soule of Traffique.

1	OF *the beginning of the Exchange for Monies by Bills of Exchanges*	252
2	*Of the true calculation of Monies in exchange by Bills, according to* Par pro pari.	254
3	*Of the denomination of the imaginarie Monies of all places, whereupon Exchanges are made by Bills of exchanges.*	257
4	*Of the times of payment of monies by exchange, and the termes of art vsed therein.*	260
5	*Of the nature of Bills of exchange.*	261

THE TABLE.

Chapter.		Pag.
6	*Of the non-acceptation of Bills of Exchanges, and the customes obserued concerning the same.*	264
7	*Of Notaries, Intimations, and Protests.*	267
8	*Of reciprocall or double Exchanges.*	269
9	*Of the feates of Bankers performed by Exchanges.*	272
10	*Of the true reformation of Exchanges.*	275
11	*Of Attachments and arrests.*	282
12	*Of Sequestrations and Executions.*	285
13	*Of denization and naturalization of Merchants.*	292
14	*Of the determination of sea-faring causes.*	295
15	*Of Arbitrators, and their awards.*	297
16	*Of the Merchants courts, or office of Prior and Consuls.*	300
17	*Of the Lawes of seuerall countries, whereby the differences and controuersies of Merchants are determined.*	302
18	*Three Parodoxes alluding to the three essentiall parts of Trafficke.*	317
19	*The due commendation of naturall Mother Wit.*	327
20	*Of the ancient gouernment of the Staple.*	329
	A Conclusion to the iuditious Reader.	332

An

AN INTRODVCTION TO LEX MERCATORIA, OR THE LAW MERCHANT, AND THE ANTIQVITIE THEREOF.

CHAP. I.

WHEN Almightie God had created man, good and a ſociable creature, who could not ſo well liue alone, as other creatures ſufficiently prouided (by Nature) for their ſuſtenance; and had reaſon aſſigned and giuen vnto him, aboue all the ſaid creatures: yet all the meanes and faculties of his body and ſoule, were not ſufficient to make him happie whileſt he was alone. But neceſſitie did require a concourſe of men helping one another, to ſupply (with a common ſtrength) the ſaid weakeneſſe; for the burden of the ſaid neceſſitie was ſo weightie and great, that one man alone was not able to mannage the ſame. Then it came to paſſe, that by mutuall contribution of offices, euery man did afford meanes according to his abilitie for the common good, ſo that thoſe which were of a ſtrong body did employ their labour to get liuing and maintenance for themſelues and others: And thoſe which were endued with the beſt part of the ſoule, as Vnderſtanding and Reaſon, did vndertake the moſt important matters, teaching men how to liue well, and informing them of their felicitie (which they judged chiefely to conſiſt in vertuous actions) endeauouring to make impreſſion in the ſoule of man, of certaine good lawes for the obſeruation thereof, with a reference of them to the firſt law engraffed in the ſoule of man, as a part of that diuine light, which was infuſed in him to know (in ſome meaſure of perfection) the good and euill, and accordingly to receiue reward or puniſhment.

Called by the Grecians *Synderiſis.*

As for the other and better part of informing and guiding the thoughts and affections of men to a ſupernaturall end, that, as ſurpaſſing the compaſſe of that lower ſpheare wherein I now moue, muſt be left vntouched by me, who here take for my obiect not the ſpirituall but the ciuill life of man, and the meanes thereto conducing.

Touching therefore the externall part. The mutuall contribution of offices amongſt men hath from the beginning continued both in labouring and manuring the naturall riches of the lands in corne and paſturage, as in the immedate children of our firſt father *Adam*, and in planting Vines, and making an extract of the iuyce of the fruit of them, as *Noah*. Which riches in matter and foundation naturall, and partly alſo in alteration and managing artificially, euery poſſeſſor not long after the beginning of the world ſeuerally injoyned in propertie: and hence did proceed a commerce, firſt in reall enterchange and communication of things of the ſame or other kindes, but all naturall commodities, as ſheepe for ſheepe, ſheepe for corne, wine for oyle, &c. between man and man, or nations and nations, according to number, weight, and meaſure,

ſure,and after, to auoid confuſion, by *a commune pignus* currant mutuall, which we call money,both by way of merchandizing; the moſt ancient euidence hereof is *Abrahams* purchaſing for money a field for buriall. The obſeruation and cuſtomes whereof was the beginning of the Law-merchant, and that eſpecially when mankinde was propagated into an infinite number, & the domeſtiques or neer hand commodities were not ſufficient for their ſuſtenance in ſome countries, & in other countries were ouer abundant: then of neceſſitie followed the vſe of truſting, exchanging,and trading: firſt, on the Land in the maine Continent,and then extenſiuely vpon the Seas,both for fiſhing and negotiation. Then did merchants trauell from countrey to countrey: So in the daies of the Patriarke *Iacob*, did the merchants Madianits in their journey meet with the children of *Iacob*, and then *Ioſeph* was carried by their meanes into Ægypt,and ſold to *Potipher* for the good of his father and all his family. And then it was and proued to be true,(which experience hath confirmed) that *Vita ciculis in ſocietate poſita eſt, ſocietas autem in imperio & commercio*: ſo that it plainely appeareth,that the Law Merchant, may well be as ancient as any humane law, and more ancient than any written Law. The very morall Law it ſelfe,as written by *Moſes*, was long after the cuſtomary Law of Merchants, which hath ſo continued and beene daily augmented ſucceſſiuely vpon new occaſions, and was not altogether made in the firſt foundation,as the lawes whereby the Common-weales of Iſrael (whoſe Lawes were vniformely made by *Moſes* from God:) or thoſe of Crete, Cybaris, Sparta,and Carthage, by *Minos*, *Charondas*, *Lycurgus*, and *Phalcas*. Neuertheleſſe, many Emperours and Kings haue alwaies referred the ending of differences, which happen betweene Merchants,to be done and decided according to the Law-Merchant, That is to ſay, according to the cuſtome of Merchants; who by their trauels found the diuerſitie of weights and meaſures, and the goodneſſe and vſe of commodities pleaſing to all nations,whereby the ſuperfluities of them were vented amongſt them. *Vt quod vſpiam naſcitur boni, id apud omnes affluat.*

Gen.

Gen.37.27.

The Law-merchant a moſt antient Law.

This Law of Merchants,or *Lex Mercatoria*,in the fundamentals of it, is nothing elſe but (as *Cicero* defineth true and juſt Law) *Recta Ratio, naturæ congruens, diffuſa in omnes; Conſtans ſempiterna*: True Law is right Reaſon,agreeable to Nature in all points; diffuſed and ſpread in all Nations, conſiſting perpetually without abrogation: howbeit ſome do atribute this definition vnto *jus gentium*, or the Law of Nations, which conſiſteth of Cuſtomes, Manners, and preſcriptions of all Nations,being of like conditions to all people, and obſerued by them as a law: But the matter being truely examined, we ſhall finde it more naturally and properly belongeth to the Law-Merchant.

Definition of the Law-merchant.

De Repub.

Ius gentium.

Euery man knoweth, that for Manners and Preſcriptions, there is great diuerſitie amongſt all Nations: but for the cuſtomes obſerued in the courſe of trafficke and commerce,there is that ſympathy,concordance, and agreement, which may be ſaid to be of like condition to all people, diffuſed and ſpread by right reaſon, and inſtinct of nature conſiſting perpetually. And theſe Cuſtomes are properly thoſe obſeruations which Merchants maintaine betweene themſelues, and if theſe be ſeparated from the Law of Nations, the remainder of the ſaid Law will conſiſt of but few points.

Princes and Potentates by their prerogatiues (reſpecting the law of Nations) doe permit amongſt themſelues a free trauelling by land through their ſeuerall Kingdomes, Territories,and Dominions, vnleſſe they be open enemies: they hold likewiſe a communitie of the ſeas for Nauigation, as alſo a diſtinct dominion of the ſeas adjoyning to the territories and juriſdiction of their countries, they take Cuſtome, Subſidies, and all manner of impoſitions vpon the commodities imported and exported out of their Harbours, Hauens, and Ports,as alſo duties for the fiſhing in their Seas, Streames and Dominions; of all which the Merchant is to take eſpeciall notice, to auoid danger in the Trafficke and trade with their ſubjects, for non-payment of the ſame,which they claime *juregentium*.

Prerogatiues of Princes by the Law of Nations.

Are not the Sea-Lawes eſtabliſhed to decide the controuerſies and differences happening betweene Merchants and Marriners? And is it not conuenient for Merchants to know them? Conſidering that Merchants maintaine the Fiſher-men, and (by way of Trade) cauſe the Sea and Land Commodities to be diſperſed euery where?

So

So that the ſaid prerogatiues doe alſo appertaine to the Law-Merchant as properly inherent vnto commerce, and the obſeruation of Merchants being of like condition to all people and nations.

Concerning manners and preſcriptions, wherein the differences is to be noted from the Law-Merchant; the ſame conſiſt in the erecting of Offices, creating of Officers, and making of Lawes, which of themſelues make a ſeparation betweene Cuſtomes: Alſo the giuing or beſtowing of honours and dignities, the granting of priuiledges, and the doing of any thing which concerneth the Honor, Body, and goods of any man, whereunto all things touching man haue a reference, and doe meerely belong to the prebeminence of Princes in their places of Soueraigntie.

Manners and preſcriptions of the Law of Nations.

And herein let vs obſerue the difference betweene Lawes and Cuſtomes according to the deſcription of the ſaid worthy author *Cicero*.

A Cuſtome (ſaith he) taketh her ſtrength by little and little in progreſſe of Time by a generall conſent, or, of the moſt part; But the Law commeth forth in a moment and taketh her ſtrength from him that hath power to command: Cuſtomes doe take place gently; but the Law commandeth with a power ſuddenly. True it is, That the Law may aboliſh Cuſtomes, but Cuſtomes cannot derogate from the Law, becauſe Magiſtrates will ſee them executed at all times. Cuſtomes haue their ſtrength by ſufferance; but the Law commandeth by abſolute authoritie of a Prince. And yet Cuſtomes are of no leſſe power than a Law, and the difference conſiſteth moſt in the manner. *Lex eſt cui omnes homines decet obedire propter multa & varia, & maxime quia omnis lex eſt inuentio quædam & donum Dei.* All men ought to obey the Lawes, which are many and diuers, and chiefly becauſe all lawes are (as it were) an inuention and a gift of God. So much, yea more maybe ſaid of the Cuſtome of Merchants, becauſe of their continuance and antiquitie, as aforeſaid.

Difference betweene Lawes and Cuſtomes.

And for that the ſaid cuſtomary Law of Merchants, hath a peculiar prerogatiue aboue all other Cuſtomes, for that the ſame is obſerued in all places, whereas the Cuſtomes of one place, do not extend in other places, and ſometimes they are obſerued, and ſometimes they are neglected. But the Cuſtomes of Merchants concerning traffick and commerce, are permanent and conſtant, and when they are not truely obſerued in ſome places, by ſome errour or miſpriſion: *Non eſt conſuetudo, ſed vſurpatio*; For ſuch Cuſtomes loſe their names, and are called Vſurpation, which is the cauſe that many times Cuſtomes are eſtabliſhed for Lawes by him or them that haue power to make Lawes. And Cuſtomes are the beſt Interpreters of the Lawes, either for ſuppreſſing of vice, or eſtabliſhing of Vertue: So that whoſoeuer alleadgeth a Cuſtome in his defence, is to proue and maintaine the ſame if it be honeſt. Now we muſt not vnderſtand this of any euill Cuſtome, becauſe they make no preſidents, and are to bee ſuppreſſed by Lawes. Likewiſe a Cuſtome well obſerued, is to be preferred before a Law not obſerued. And this Gradation ought to be maintained and ſeriouſly obſerued concerning Lawes and Cuſtomes, That euen as the Wills, Contracts, or Teſtaments of particular men, cannot derogate or vndoe the Ordinances of the Magiſtrates; and as the order of the Magiſtrates cannot aboliſh ancient good cuſtomes, nor Cuſtomes cannot abridge the generall Lawes of an abſolute Prince; no more can the Law of Princes alter or change the Law of God and Nature.

The Prerogatiue of Merchants Cuſtomes aboue all other Cuſtomes.

Cuſtomes are the beſt interpreters of Lawes.

A Gradation concerning Lawes and Cuſtomes.

Bartolus, Baldus, Iuſtinian, Vlpian, Paule the *Iuriſconſulte, Papinian, Benvenuto Stracchа, Petrus Santerne, Ioannes Inder, Balduinus de Vbald, Rodericus Suarez, Iaſon, Angell, Andrias Tiraquell, Alciatus Budeus, Alexander Peruſius, Pomponius, Incolaus Boertius, Azo, Celſus, Rufinus, Manſilius, Sillimanus, Accurſius, Franciſcus Aretinus, Griſogonus, Lotharius, Iulianus*, and diuers other Doctors and learned of the ciuill Law, haue made many long diſcourſes and Volumes of bookes of the queſtionable matters fallen out amongſt Merchants, for, and concerning Merchandiſe, which are yearely obſeruations or booke caſes and precedents; by the reading whereof, Merchants are like rather to metamorphiſe their profeſſion and become Lawyers, than truely to attaine to the perticular knowldge of the ſaid Cuſtomes or Law-Merchant: For they haue armed queſtions and diſputations full of quillets and diſtinctions ouer-curious and preciſe, and many

Booke caſes of the Law-Merchant.

Apicis iuris what they are.

of them to ſmall purpoſe, full of *Apicis iuris*, which themſelues haue noted to be ſubtilties, ſaying, *Apicis iuris ſunt quæ ſubtilitatem quandam reſpiciunt magis quam facti veritatem*, They doe more regard certaine ſubtilties than the truth of the fact or matter: As for example. To define

Quid ſi Mercator, what a merchant is? *Quidue Mercatura*, what Merchandiſing is?

Whether he is a Merchant that doth once buy and ſell?

Whether merchandiſing and negotiating be one and the ſame?

Whether an Vſurer be a Merchant?

Whether ſelling by retaile ſhall be called merchandiſing?

Whether a Clergie man or a Gentleman dealing in buying and ſelling, ſhall be called a Merchant in any controuerſie?

Wherein a Merchant may be like an vſurer?

Whether a man buying commodities in groſſe, and working the ſame out againe into other things to be vented by an ordinary courſe of trafficke be a Merchant, artificer, or trades-man?

Whether a ſeller of horſes may be called a Merchant?

Whether a ſhop-keeper trading beyond the ſeas and at home, be a Merchant?

Whether a Merchant ſhall be called to be a Merchant of one kinde of commodities, that dealeth for diuers ſorts of merchandiſes or wares?

Whether he be a merchant that dealeth not for himſelfe: but others negotiate for him? or whether a young man dwelling with a Merchant, may be a Merchant? And other the like queſtions which I hold it to bee vnneceſſarie to trouble Merchants braines withall.

Definition of a Merchant.

The definition of a Merchant is to be noted. For he that continually dealeth in buying and ſelling of commodities, or by way of permutation of wares both at home and abroad in forreine parts, is a Merchant.

Conditio numeri potioris, non maioris.

Next in order, the conditions and properties which a Merchant ought to haue, are to be conſidered; namely to be without fraud and deceit in his buying and ſelling of commodities, and to keepe faith with all men.

Caueat emptor.

Hereupon queſtions are made, whether a Merchant may trafficke with Turkes, Heathens, Barbarians, and Infidels, and performe promiſe with them? whether a Merchant may ſell his commodities as deare as he can, without reſpect of perſons? whether he may vſe lies (as being officious) in the ſelling of commodities? whether hee may be crafty without deceit? whether learning be requiſite in a Merchant? whether hee may deale in prohibited commodities at his apperill? whether a Merchant buying commodities, and ſelling them better cheape than they coſt him, ſhall be held in ſuſpition to be neere decaying? and the like of him that taketh vp much money at intereſt.

The continuance of a Merchant.

The ſaid Ciuilians haue alſo determined how long a Merchant is to be ſo called; which is either when he breaketh, or giueth ouer to deale in merchandiſe; or when he is prohibited to deale, for offences committed. And hereunto they adde a declaration of ſuch as may trade; and by the contrary thereof, is to be vnderſtood who may not trade, *viz.* Clergie-men, Noblemen, Gentlemen, Souldiers, Counſellors at the Lawes both Eccleſiaſticall and Temporall, publike officers and magiſtrates, franticke perſons and mad men, youthes vnder yeares, orphanes, lunatickes and fooles, all theſe are exempted to be Merchants: But ſonnes and ſeruants may deale in merchandiſe with their fathers and maſters.

Perſons exempted to bee Merchants.

What Merchandiſe is fit for trade.

Laſtly, they haue obſerued, That merchandiſe is properly to be made of all moueable things, excepting holy things, and prohibited wares, or munition be carried vnto infidels or enemies. All which determinations can giue but little ſatisfaction to inſtruct Merchants.

Merchandiſe two-fold.

Plato ſaith, That merchandiſe is two fold, namely, *ad victum & veſtitum*, of things for the backe and for the belly, as belonging to the body of man; and of things concerning the minde of man, as learning of muſicke, and other arts bought for mony, and ſold againe to others for money; and this diſtinction is in regard of man, but farre from

from that matter of traffique and commerce which is comprehended vnder commutatiue iuſtice, whereof *Cicero* ſpeaketh.

Let vs therefore ſet downe, what a compleat Merchant ought to know concerning the courſe of merchandiſing, and withall declare the method obſerued in this book of the Law of Merchants.

The methode of this booke.

1. A merchant ought firſt to know the ſcience of Arithmetick, and to obſerue the daies & times in all his negotiations, and the beginnings of the yeare in all countries, and to calculate all things orderly.

2. The ſeuerall weights and meaſures of all countries concerning all commodities, and the correſpondence of them, that there may be to him in effect but *vnum pondus & vna menſura*, that is, one weight, and one meaſure.

3. The ſcience of Geometry, and ſome inſpection of Coſmography, and the Mathematicks, thereby to know the ſcituation of countries, with their diſtance and ſpaciouſneſſe: and the diſtinct dominions of Princes by land and by ſea, with their iuriſdiction and duties for fiſhing and otherwiſe.

4. To know the three Eſſentiall parts of traffick, being *Commodities*, *Money*, and *Exchange for money by Bils* of exchanges; vnder which all the traffique and trade is performed in all countries, or by ſome of them, becauſe they are the cauſes of commerce, whereof the effects are buying and ſelling of commodities, receiuing and paying of moneyes, and deliuering & taking of moneyes by exchange, with their Adiuncts and Accidents in the ſaid courſe of traffique.

5. To know alſo the goodneſſe of the principal commodities of all countries, either ſuperficially for colour and beautie; or ſubſtantially for quality and vſe. As alſo the weight, fineneſſe, and valuation of the moneyes of all countries, with the proportion betweene the gold and ſiluer, and the manner of exchanges made by billes vpon the imaginary moneyes inuented to make exchanges betweene countrey & countrey.

6. The cuſtomes vſed in the buying and ſelling of commodities for mony or bils obligatorie, or by way of Commutation or Barter.

7. The deliuering of moneyes at intereſt, or vpon Botomary, or vpon liues, annuities, or penſions in nature of rent, &c.

8. The fraighting and ſetting forth of Ships, making of Charter-parties, Bils of lading, Invoice, and Couenants and contracts. As alſo the ſea lawes, to decide all queſtions and controuerſies which fall out betweene Merchants and Mariners, and owners of Ships.

9. The cuſtomes, ſubſidies, impoſitions, tribute, and tolles payed vpon all the commodities imported and exported, within the dominions of all Princes.

10. The manner of making Aſſurances vpon goods, ſhips, the perſons of men, or any other things aduentured by ſea or by land; and the cuſtomes obſerued therein betweene nation and nations.

11. The keeping of Merchants accounts, by Debitor and Creditor, and the calculation of the diuerſities of money, whereby the ſaid bookes of account are keht.

12. The authority and proceedings of Merchants Courts, or Priors and Conſuls, to decide the differences according to equitie in places where they are kept, or any other lawes imperiall or common to ſome countries, whereby Merchants controuerſies are determined; with the courſe of attachments and ſequeſtrations, or executions and finall determinations by arbitrators, or judiciall decrees in any Chauncery or Court of Equitie.

The Cuſtomary Law of the Merchants.

All theſe (making the cuſtomarie law of Merchants) haue neuer beene written by any Ciuilian or Philoſopher, nor for ought I know, of any author, as is conuenient for Merchants; whereupon I haue (with Gods aſſiſtance) reſolued to handle the ſame compendiouſly and ſubſtantially in this booke, vpon fiftie yeares obſeruation, knowledge, and experience. And albeit that the ſea lawes are comprehended therein, wherby the proceedings might ſeeme to be promiſcuouſly handled, neuertheleſſe the method is followed as neere as the matter could affourd, according to the ſaid three Eſſentiall parts of traffique, or the three Simples of Commodities: Money, and the Exchange of money

mony by Bills of exchanges, as hereafter may appeare. And this Law of Merchants hitherto obſerued in all countries, ought in regard of commerce to be eſteemed and held in reputation as the law of the twelue Tables was amongſt the Romans. For herein you ſhall finde euery thing built vpon the foundations of Reaſon and Iuſtice. And knowing the foreſaid twelue points, you ſhall be able to pleaſe your owne minde, and giue ſatisfaction of your ſufficiencie to others. For the ſaying is true; *Melius eſt ciuitatem, ab optima lege, quam ab optimo viri gubernari*; It is better to gouerne a city by a good Law, than by a good man. And it is better for a man to be ruled by Reaſon, than by his owne reaſon to ſeeke to rule others.

Finally, to giue ſatisfaction to the Learned and Iuditious, I haue abſtracted the obſeruations of the Learned in the Ciuill Lawes, vpon all the precedent points, & added them vnto the following Chapters, diſtinctly from the Cuſtomes of Merchants; vſing the ordinarie name of Ciuilians in generall, without naming any particular Author, to auoid ambiguitie and vncertaintie in the contents of this Booke, diuided into three parts, according to the ſaid three eſſentiall parts of traffique.

CHAP. II.

An Obſeruation concerning TIME.

ALL men of iudgement and vnderſtanding doe know, that there is nothing more neceſſarie for the knowledge of Hiſtories and diuers eſtates of the world, than the obſeruation of Times, without which, great obſcuritie and errors will be found in the actions of men, as well in matters of Religion, as in ciuill gouernment, where Merchants (in regard of their traffique and commerce) haue the mannaging and diſpoſing of the Wealth of Kingdomes and Commonweales. So that it behoueth them to obſerue the yeares, moneths, weekes, and dayes, and ſomtimes the houres of their negotiation, with the courſe of the Moon, and the ebbing and flowing of waters, the variation of windes, and alterations of weathers, for ſtormes at the ſeas, and vnſeaſonable Times on land, whereby the haruеſts do faile, and commodities become to be plentifull or ſcarce, and the prices therof deare or good cheape: with many other conſiderations incident in the courſe of buying or ſelling of commodities, and in receiuing and paying of monies.

Merchants are to obſerve Time.

To make a definition of Time, will (in one reſpect) be very difficult, if we conſider that Time is inſeparably conioyned with eternitie. But if we obſerue the attribute of Time, and do diſtinguiſh things orderly, we ſhall eaſily perceiue what time is, & make vſe thereof.

The attributes of Time.

Time is the Conſumer of all things. *Tempus edax rerum.*
Time is the diſcouerer of all things, *Veritas filia temporis.*
Time is vncertain and wanteth bounds, *Tempora mutantur, &c.*
Times minutes paſt, no treaſure can reſtore, *Irrevocabile Tempus.*
Time doth pierce the hardeſt flint, *Gutta cavat lapidem, non vi, ſed ſæpe cadendo.*
Time hath a ſalue for all extremities, and yet begetteth vſurie.

Times

Times office is to end the hate of foes.
Times glory is to calme contending Kings.
Time is a tutor both to good and bad, and doth diſcouer the affections of the mind.
Time offers ſtill each houre to do amiſſe.
Time breedeth griefe, and heales when Art doth faile.
By Time and Wiſedome paſſions are ſuppreſt.
In Time ſmall wedges cleaue the hardeſt okes.
Time is the Anchor both of Truth and Right.
Time hath ſet downe the compaſſe of his courſe.
Times motions do equall the reeling Sun.
Time meaſureth our actions.
Time is the beſt gouernor of all our counſels.
Time on the wearieſt wretch beſtoweth reſt.
Both Life and Loue in time muſt haue an end.

Many more attributes may be beſtowed vpon time: but we ſhall find vpon due conſideration, that Time is but a diſtinction and meaſure of all things, and betweene all things. The reuolution of Time.

Concerning the revolution of Time let vs obſerue, That euen as God the Authour and Conſeruer of all things, in a comely and decent order hath appointed a ſucceſſion and progreſſe of Time, for accompliſhment of the naturall courſe thereof: ſo hath he appointed certain periods and revolutions of Time, wherein things return to the ſame or like eſtate wherein they were before: As we ſee in the motions of the heauens, and conſequently in the ſeaſons of the yeare, all which are meaſured by Time. The Sun, the Moon, and the Stars, to haue their particular and diſtinct revolutions, wherein they accompliſh their courſes, and return after a limited and determinate ſpace of Time to the places from which they did depart.

The Sun compleating his courſe and revolution in 365 dayes, and almoſt 6 houres or a quarter of a day, as ſhall be declared, which is that ſpace of Time which wee call the yeare, termed *Annus, qui Annulus*, taking the ſimilitude from a Ring; which cauſed the Egyptians to make the figure thereof in their Hierogliphycks like vnto a Serpent biting his owne taile. *Annus, quaſi Annulus.*

The Moon by her revolution in the Sphere in 28 daies or thereabouts, determinats vnto vs the moneths, as the Sun doth the dayes and houres.

Saturnus the planet maketh her revolution in 30 yeares. *Iupiter* in 12 yeares. *Mars* in two yeares: and *Venus* and *Mercury* in 360 dayes or thereabouts. The fixed ſtarres haue alſo their peculiar motions and revolutions: The knowledge of all which is both pleaſing and neceſſarie vnto juditious Merchants.

And becauſe Time is ſubiect to be numbered by Ages, Yeares, Moneths, Dayes, Houres, Minutes, and their diuiſions and ſubdiuiſions, wee cannot in this place omit to particulariſe concerning the ſame; albeit it may be thought inconuenient to touch the obſeruation of the period of Monarchies and Commonweales, made by ſome Authors, which (by many important reaſons) may be amplified. Periods of Monarchies and Commonweales.

Some diſtribute the whole Ages of the world into three parts, aſcribing to euerie Age 2000 yeares, which proceedeth from that common opinion of *Elias* a certaine Rabbin or Iew, affirming that the world ſhould ſtand 6000 yeares, and then be diſſolued: of the which they reckon 2000 yeares before the Law, 2000 yeares vnder the Law, and 2000 years vnder Chriſt, which ſhal beſhortned for the Elects ſake; which opinion hath been receiued by diuers godly Fathers; ſuppoſing that as the world and all things therin was created in ſix days, ſo the ſame ſhould endure 6000 years, taking each thouſand years for a day, according to the ſaying of S. *Peter*, That one day before the Lord is as 1000 years, and 1000 yeares as one day. In this ſupputation is ſome reaſon; for from the beginning to *Abraham*, with whom the firſt couenant was made, and to whom the Law of Circumciſion was giuen; we find to be neere 2000 yeares, and likewiſe vnder the Law, vntil Chriſt, about 2000 years; and now vnder Chriſt is aboue 1620 years, reckoning toward the laſt 2000 yeares. 1 *Pet.* 3. Of the Ages of the world.

Auguſtus

Auguſtus writing of theſe Ages, diuideth them into ſix, and reckoneth the firſt age to be from *Adam* to *Noah*; the ſecond from *Noah* to *Abraham*; the third from *Abraham* to *Dauid*; the fourth from *Dauid* to the captiuitie of Babylon; the fifth from the captiuitie to Chriſt; the ſixt and laſt, vnder the kingdome of Chriſt vntill the end of the world. Others there be that do diſtribute the ſame into foure, according to the nature of foure kindes of mettals, the Golden, Siluer, Braſſe, and Iron Ages: alluding to the prophecie of *Daniel* of the foure Monarchies. Others doe account the ſame by thouſands or millinaries, according to certaine obſeruations of 6000 yeares in the alterations of things. Others doe calculate according to the ages of men, ſuppoſing 100 yeares for an Age; and ſo now being 56 Ages and more, the number 60 or before the end of the world ſhall come. But let vs obſerue the true computation of the Church moſt generally approoued hitherto, and reckon from the Creation vntill *Noah* 1656 yeares when he entred into the Arke; and from the Floud to *Abraham* 367 yeares; and from the departing of the Iſraelites out of Egypt, 430 yeares; and from the departing to the building of the Temple by *Solomon*, 430 yeares; and from that time to the eleuenth yeare of King *Zedekiah* (deduced by Scripture) is 427 yeares. So the whole ſum of theſe yeares commeth iuſtly to 3360 yeares. Hereunto 70 yeares being added of the captiuitie of Babylon, is 3430 yeares, which are 790 Sabbaticall yeares, of ſeuen yeares euery Sabbatical yeare, without any odde number; and from that time vntill Chriſt, there is no momentarie difference by any hiſtoricall account, whereof vnderſtanding Merchants ought to be informed, and all men take pleaſure of this obſeruation in their Almanacks.

Computation of Ages by Scripture.

An. Dom. 1620.

From the Creation of the World, vntill the laſt yeare ——— 5582.
From the ſaid Creation vntill the Floud ——— 1656.
From the ſaid Creation, vntill the birth of our Sauiour Chriſt ——— 3962.
Since *Brute* did enter the Iſland of Great Brittaine ——— 2727.
Since the building of the Temple by *Solomon* ——— 2649.
Since the building of the city of Rome ——— 2371.
Since the Captiuitie of Babylon ——— 2258.
Since *Iulius Caſar* was ſlain ——— 1669.
Since the birth of our Sauiour Chriſt, vntill the laſt yeare ——— 1620.
Since the conqueſt of England by Duke *William* ——— 553.
Since the beginning of the reigne of King *Iames* the firſt of that name of England, vntill the 24 of March 1620, is 17 yeares compleat, but currant ——— 18.

Of the ſeuerall beginnings of the yeare.

Concerning the yeare there are many obſeruations, and euen of the ſeuerall beginnings of it. And let vs note *obiter*, that the body (the ſoule of man conſiſting in the bloud) hath 365 veins, as reſidences agreeable to ſo many daies of the yeare.

All our Almanacks or Kalenders begin the yeare from the 1 day of Ianuary, albeit this beginning differs in many other countries, which Merchants ought to obſerue.

The Aſtrologians begin at the entrance of the Sunne in ♈, which is the 21 of March, at 12 of the clocke at noone.

The old Romans did begin their yeare *ab Hieberno ſolſtitio*.

The Egyptians and old Iewes, from the 21 of March, with the Aſtrologians.

Thoſe of Aſia and India, *ab Equinoctio Autumnali*; beeing the 23 of September, at 12 of the clocke at noone.

The Grecians of the longeſt day of the yeare. The Venetians of the firſt of March. The Spaniards from the Annuntiation of the Virgin *Mary*, the 25 of March, as England, Scotland, and Ireland. The Portugals and the Eaſt Indies, Barbary, *Preſte-Iohn*, the 29 of Auguſt. *Moſes* by Gods commandement, *ab equinoctio verno*, *i.* Eaſter, according to which, Eaſter day was ordained vpon the full Moone, beeing the 14 day of the firſt Moone, after the Sun entred into the ſigne of ♈, which is alſo vſed in Ægypt. Afterward in the yeare of our Lord 328, the Councel of Nice did ordain Eaſter dav alwaies to be vpon the Sabbath day, or Sunday next after the full Moon. And the Biſhop of Alexandria made thereupon a liſt, according to the circle or golden number of the Moon, beginning from the figure 1, til number 19: for that in 19 years the moon

Eaſter day.

maketh

maketh her compleat rouolution, and concurreth with the Sunne: And if the number did fall out vpon a Sunday, then the Sunday after was Easter day, according to this abstract; which is now altered by ten daies, vpon the alteration of the Kalender by Pope *Gregorie* the 13. The Liſt appointed for Easter day.

Golden number.	1.	The 5 of Aprill.	10.	The 27 of March.
	2.	The 25 of March.	11.	The 15 of Aprill.
	3.	The 13 of Aprill.	12.	The 4 of Aprill.
	4.	The 2 of Aprill.	13.	The 24 of March.
	5.	The 22 of March.	14.	The 12 of Aprill.
	6.	The 10 of Aprill.	15.	The 1 of Aprill.
	7.	The 30 of March.	16.	The 21 of March.
	8.	The 18 of Aprill.	17.	The 9 of Aprill.
	9.	The 7 of Aprill.	18.	The 29 of March.
			19.	The 17 of Aprill.

The yeare being exactly calculated according to the course of the Sunne, or Reuolution in the Zodiake through all the twelue Signes, consisteth of 365 daies, 5 houres, 49 minuts, and 16 seconds. And the reuolution of the Moone in her going course is 27 daies and about 8 houres, and in her returning course about 29 daies and one halfe, called a moneth. Others haue vsed, and some yet do vse, the yeares of the Moone diuided in 12 moneths, euery new Moone or course respected: and this yeare consisteth of 354 daies, 8 houres, 48 minutes, 43 seconds, and 12 tierces, to which there was added 11 daies called *Æpactæ*, as adjoyned daies; which made the yeare to be 365 daies and about six houres, as aforesaid: which was vsed before the floud, by Iewes, Greeks, and is yet at this day vsed by the Mahometans, Arabians, and those of Feas and Marocco and other places. The Babylonians, Ægyptians, and Assyrians, haue also obserued 365 daies for the yeare; but they did not adde euery fourth yere one day, which we call the Leape-yeare. Reuolution of the Sunne and Moone. The Epact of 11 daies added *Quære tamen quando incœperint.* One whole day added euery fourth yeare in February.

To make a better explanation hereof, let vs note, That there is a great Circle imagined to be in the Heauens, called the Ecliptike, whereupon the Sunne hath his continuall motion or period, neuer declining from the same: and on each side is imagined to be another lesser Circle limiting the latitude of the Zodiake, the middle whereof is called the Ecliptike, for that whensoeuer there shall be a conjunction or opposition of the Sunne and Moone, the Moone being vpon the same Ecliptike, ouer which shee passeth twice in one Period, in so many daies as aforesaid, (which second sections are called the Head and Taile of the Dragon) then (if at the conjunction) is our sight eclipsed by the interposition of the body of the Moone, being (at the same instant) betwixt vs and the Sunne, thereby hiding some part of his light from our sight: yet hath the Sunne in himselfe no more losse of light, than if a man should put a ball betwixt my eie and the Sun, whereby he might hide from my sight, either the totall, or part of the body of the Sunne. But if it be at the opposition, then the Moone doth indeed lose her totall light, or part of her light, according to her latitude; for if her latitude be more than the Semidiameters of the body of the Moone, and the shadow of the earth, then there can be no Eclipse at all. But whensoeuer the body of the earth shall be interposed or put betwixt the light of the Sunne, and the body of the Moone, (which cannot be but a full Moone, or opposition, which are both one) then must she of necessitie lose so much of her borrowed light, as the earth doth take away from her. The Ecliptike of the Zodiake. Eclipse of our sight by the Sunne. When no Eclipse of the Moone can be. Cause of the Eclipse of the Moone.

Within this imagined Circle or Zodiake are twelue constellations of Starres, called the twelue Signes; each of these Signes is diuided into 30 degrees or equall parts, which make 360 in the totall.

Now since the nature and quality of these twelue Signes were found, and that the Moone being the lowest of the Planets, doth conuey and transport their operations and force through her Orbe vnto all Elementall Creatures, causing alteration of change and humours, times and seasons, and distemperature of bodies; the ancient Mans body is diuided according to the Zodiake.

Aſtronomers haue attributed vnto them certaine names of creatures, figures, and poeticall alluſions, for diſtinction ſake, and to declare their propertie in ſome weake and confuſed ſort.

Alſo the number 19 called the Prime and Golden number, becauſe it was written in Golden letters forthe vtilitie thereof, which deſerueth the more ſo to be adorned with Gold for a perpetuall remembrance of our noble King *Iames* and his royall iſſue, borne vpon the 19 day of ſeuerall Moneths, which is not without ſome miſterie as I thinke.

The Golden number of king *Iames* and his royall iſſue.

The 19 of Iune *An.* 1568, King *Iames* was borne in Scotland.

The 19 of February, *An.* 1594, Prince *Henry* (deceaſed) was borne, and died before 19 yeares.

The 19 of Auguſt, *An.* 1596, the Lady *Elizabeth* his daughter was borne.

The 19 of Nouember, *An.* 1600, Prince *Charles* his ſonne was borne, *Deo gratias.*

It may ſeeme ſtrange, that *Iulius Cæſar* did not obſerue this number of the meeting of the Sunne and Moone vpon this period, when he made his Kalender 44 yeres before Chriſt; for the vſe hereof began in the yeare of Chriſt 532. And this number of 532 containeth 19 times 28, in which time of 28 yeares (being the Cicle of the Sunne) the ſame is multiplied by 19, which is the Cicle of the Moone.

Cicle of the Sunne is 28 yeare.

The Dominicall letters.

The Dominicall letter is according to the noting of the ſeuen daies of the weeke, according to the Cicle of the Sunne, beginning from A.B. C.D.E.F.G. and ſo returning and continuing for euer.

Diuers beginnings of the day.

The day doth alſo begin diuerſly: The Aſtrologians or Aſtronomers begin the ſame from one mid-day (or noone) vntill the next, being 24 houres by the clocke; which is the cauſe that in their Alminacks they doe ſet downe alwaies the place of the courſe of the Moone, being ſo many degrees at noone; howbeit, we reckon 12 houres; France Spaine, and other places, the Venetians and moſt townes of Italy, the Bohemians, Athenians, Ægyptians, ſome Iewes and Græcians, Poland and Sileſia, from the ſetting of the Sunne vntill the next ſetting, 24 houres. Babylonians, Perſians, Chaldeans, ſome Hebrewes and Greekes, old Romanes, and they of Wirtenborough and Norenborough, from one riſing of the Sunne to the other, 24 houres.

Calends, Nones, and Ides.

The daies of the moneth are alſo noted by Calends, Nones, and Ides. The firſt day of the Moneth was *Calend*, ſo called of *Vocato Populo*, declaring how many daies it was to the *Nonas*, that all the people was to aſſemble in the citie, to know what was commanded vnto them by the Temporall and Spirituall lawes, as being *noue obſeruationis initium*, or *nono*, as the ninth day from *Idas*. The Tuſcanes heretofore did homage to their King that day, and then it was commonly new Moone, and *Idus* was the full Moone, vpon the Moone moneths, being March, May, Iuly, and October, beeing of 31 daies, which had ſix *Nonas*, whereas the other 8 moneths haue but 4 *Nonas*, and euery moneth 8 *Idas*.

Indictio Romana.

Indictio Romana, whereby many hiſtories account their yeares, was inſtituted when the Romans had dominion ouer the greateſt part of the World, becauſe vpon euery *Luſtrum*, which was euery fifth yeare, euery one was to pay tribute vnto them. The firſt yeare they did bring gold, the ſecond Siluer, the third yeare yron for munition and armour: So that it was the ſpace of 15 yeares, beginning from the 25 of September. And at the birth of Chriſt it was *Indictio* 3, and falleth out in the yeare of 1620 to bee alſo *Indictio* 3, according to which obſeruation the calculation of ſome hiſtoricall yeares is made.

That the Romane Kalender may eaſily be reformed without the Alteration of ten daies, made by Pope Gregorie *the thirteenth.*

IVlius *Cæſar* the firſt Emperour of Rome, a man learned and of great magnanimitie, conſidering that the Romane yeares were reckoned confuſedly according to the courſe of the Moone, and by the Hebrews with their intercalar moneth, to make the ſame agree with the Sun: By the counſell and inſtigation of *Soſigenes*, an expert Mathematician,

thematician, about 44 yeares before the birth of Christ, deuised a new forme of Kalendar, first framed after the course of the Sunne, diuiding the whole yeare into three hundred sixtie fiue daies, and six houres, making it to containe twelue moneths, whereof the names are yet in vse; beginning from March for the first moneth; which caused September, October, Nouember, and December, to beare their names the seuenth, eighth, ninth, and tenth moneth; yet all yeares by the Almanackes putting Ianuarie for the first moneth beareth the name accordingly from the heathen god *Ianus*, painted with two faces, as it were beholding the yeare past, and the yeare to come. February was so called of certaine sacrifices then offered, called *Februa*; March, of *Mars*, an heathen god; Aprill, of the Spring-Time, and the word *Aperio*, opening all vegetibles and other things; May, of *Maya*, the mother of *Mercurie*; Iune, *à Iuniore*, for that all the young people had a meeting in that moneth for recreation; Iuly, of his owne name *Iulius*; and *Augustus* for the enlarging of the Empire.

The denomination of the moneths.

Now forasmuch as the odde six houres, could not conueniently be brought to account euery yeare: hee ordained that euery fourth yeare one day should be added to February, because foure times six houres maketh vp a whole day of foure and twenty houres, and the yeare wherein this odde day falleth, we call commonly Leape yeare, hauing three hundred sixtie six daies. And because it was added at the six Calends of March, it is named in Latine, *Bissixtus*, or *Bissextilis Annus*. Neuertheless *Iulius Cæsar* did begin his Kalender in Ianuarie, when the Sun entreth the eighth degree of *Capricorne*, eight daies after the Winter *Solstitium*, which then being the shortest day of the yeare fell vpon the twentie fiue of December. And the Spring Time *Equinoctium*, about the twentie fiue of March. The which places of the Sunne are now changed and slidden back in the Iulian Kalender, from the said obseruation of the Spring *Equinoctium*, as also from the Haruest *Equinoctium* (being about the twentie six of September) the longest day then falling out the twentie fiue of Iune, grounded vpon this reason of preuention of the Equinoctiall to the twelfth, eleuenth, and tenth daies of the said moneths, and the thirteenth and foureteenth of September: but the chiefe cause proceedeth by reason that *Iulius Cæsar* did reckon the yeare to continue three hundred sixtie fiue daies, and six houres; which is more than the iust Astronomers calculation by ten minutes of an houre, and fortie foure seconds, accounting sixtie minutes to an houre, and sixtie seconds to a minute; so that the yeare truly containeth three hundred sixtie fiue daies, fiue houres, fortie nine minutes, and sixteene seconds, as is before declared, which difference in the space of one hundred thirtie foure yeres or thereabouts, maketh one whole day; and in the space of one thousand six hundred sixtie foure yeares, being the time that the Iulian Kalender was set forth, vntill the last yeare, it commeth to twelue daies, twentie two houres, fortie minutes, and twentie fiue seconds.

The Leape yeare.

Solstitium.

Equinoctium.

The difference of the account of yeares, for the errour.

For this cause sundry learned men haue heretofore desired that the same may be reformed, to auoid inconueniences, and to haue a true account of yeares and daies. And the matter was propounded to diuers generall Councells, but tooke no effect, till now of late yeares, by meanes of Pope *Gregory* the thirteenth, in the yeare 1582, and then it was permitted to one *Aloysius Lilius*, (professor in Mathematicke Astrologie) to set downe this long desired Reformation; who being resolued to doe the same exactly by true account, was hindered by the Clergie, for they would not agree that the same should be drawne backe any further than to the time of the Nicene Counsell, which was in the yeare 328: and hereupon he brought the reckoning backe only ten daies, and caused the 15 day of December to be called the 25 day, which is but obserued in some places, and brought great controuersie in diuers countries: seeing the day of the Natiuitie of Christ, and other Festiuall daies, and also daies of keeping of faires and Markets, are changed and holden ten daies before the accustomed time. And Merchants and others in making their Contracts and Obligations are often disappointed of their daies of payment, with diuers other inconueniences.

Alteration of tenne daies, and the inconueniences.

Whereas men of true judgement, might haue made this argument: Is it by the addition of Time, growing by certaine minutes and seconds euery yeare, arising to one

whole day euery fourth yeare, in the moneth of February? Then, as it is increaſed thereby thirteene daies in one thouſand ſix hundred ſixty foure yeares, it may by the ſame Rule decreaſe ſo much in few yeares, by leauing out, and ſuſpending that one day, which is ſo added, vntill it come to his firſt inſtitution and calculation of the Iulian Kalender; which may be reformed in fiftie two yeares, beginning from the yeare 1620, being Leape yeare, and leauing out thirteene daies, which is little more than one houre in the ſaid, and is no perceptable difference; and after the ſaid fiftie two yeares expired, to adde the ſaid day againe, and there will not increaſe any one day more, but in one hundred thirtie foure yeares. And all the yearely obſeruations may be accommodated accordingly.

A true and good reformation of the Iulian Kalender

I made an exact Table thereof, in the yeare 1604, whereby the day of the Natiuitie of our Sauiour fell out againe to be the ſhorteſt day of the yeare. This Table was ſhewed vnto the Kings Majeſtie of Great Brittaine (as I was informed) and howſoeuer pleaſing, yet for ſome cauſes to me vnknowne not held fit to be eſtabliſhed.

CHAP. III.

Of NVMBER, *and the Miſteries thereof.*

VNitie is the Spring aud Fountaine of Numbers, which hath a reference vnto God, the onely fountaine of Goodneſſe, the only Father, Creator, and preſeruer of vs all. Here let vs note, that the Philoſophers haue not onely (with one conſent) affirmed, That great miſteries and vertues are contained in numbers. But the ancient Fathers haue alſo obſerued the ſame in the holy Scripture; as *Ierome, Auguſtine, Origen, Ambroſe, Baſil, Athanaſius, Hilarius, Rabanus, Beda*, and others; amongſt whom Dr *Rabanus* hath made a booke of the vertues which are hidden vnder Number. And if there were no miſterie comprehended vnder Number, Saint *Iohn* in the Reuelation would not haue ſaid, He that hath vnderſtanding let him reckon the Number of the name of the Beaſt, which is the number of a man, ſpeaking of Antichriſt in the daies of the Emperour *Domitian*, the tenth perſecutor of the Chriſtians, and the twelfth Roman Emperour, when the Latine Tongue was moſt frequent, although he did write in Greeke, which number was *666* by ſignificant letters. Now, as one is no Number, but *vnitas*; ſo there is but one God, one World, one Sunne, one King of Bees, and leader amongſt Cattell. Number Two, is the firſt off-ſpring of vnitie, not compoſed, but in ſocietie vnited, called the Number of Iuſtice, wherein many things are obſeruable. The Two Tables of the Law; Two Cherubins vpon the Arke of *Moſes*; Two Teſtaments; Two great Lights; Two Natures in Chriſt; Two Solſtices; Two Equinoctialls; Two Poles, and many other things.

Vicarius generalis Dei, in Terris.
D. C. L. V. V.
IIIIII:
Vnitas.
Dualitas.

The Number Three is called Holy, and *Tria ſunt omnia*, as the Philoſopher ſaith, which diuers alſo doe acknowledge to be of great efficacie in all things; whereof *Pithagoras, Virgil, Plinie, Ariſtotle, Trimegiſtus* and others, haue written copiouſly; the glory of all belonging to the three perſons in the God-head, with the vertues of *Faith, Hope*, and *Charitie*. In the figure of foure many things are to be noted, as the Foure Elements; the Foure originall Windes; the Foure Seaſons of the yeare, &c. So of the Number fiue, beeing the *Medium* of Tenne, which in Number figuratiue climeth no higher, without doubling in Letters or Figures, hauing this propertie, that take nine from

Trias.
4. & Quinarias.
Denarius.

from tenne there remaineth one; take eight, there remaineth two; take ſeuen, there remaineth three, and ſix remaineth foure: All which remainders added together, make againe the Number Ten, whereof the Number Fiue is equidiſtant. To ſpeake of the Fiue Senſes, Fiue fingers and toes, Fiue ſorts of creatures, and other dependences, would be tedious. The Number Six is not void of the like applications: but no number more vſed in holy Scripture (as perfect and compleat) than the Number Seuen, called Sacred, becauſe God reſted the Seuenth day, and did bleſſe and hallow the ſame. It was ordained in the Law, that amongſt the people of God, euery Seuenth yeare ſhould be held holy, wherein the land ſhould reſt from labour, and that libertie ſhould be giuen vnto ſeruants, and be called a yeare of reſt vnto the Lord. And by the like reaſons it was inſtituted, that the Iſraelites ſhould number vnto them ſeuen Sabbaths of yeares, containing 49 yeares, and immediately in the beginning of the 50 yere following, the trumpet of a Iubilee ſhould bee blowne the tenth day of the Seuenth Moneth. The ſacrifices for the moſt part are offered by Seuens; the great feaſts of Gods people laſted Seuen daies, and they did eat Seuen daies vnleauenned bread at the Paſſeouer; Seuen weekes were reckoned betweene the Paſſeouer and Penticoſt, and moſt of the feaſts were in the ſeuenth Moneth. In a figure alſo did the Arke of *Noah* (which was a figure of Chriſt) reſt vpon the Mountaines of Ararat in the ſeuenth Moneth: likewiſe it is ſaid, *Wiſedome hath builded her houſe with Seuen Pillars*, vnderſtanding the Church, with the gifts of the Spirit, which are figured by Seuen burning Lamps, and by ſeuen grauen Candleſtickes; The ſtone mentioned by *Zachary* (which is Chriſt) hath Seuen watching eies of God; and the Number Seuen ſo often vſed in the Reuelation of *Iohn*. To ſay nothing of the Seuen Planets running their courſes; and amongſt the fixed Starres, the Seuen called *Pleiades*, and other ſeuen, *Hyades*; and the two *Polar* Images, called *Vrſa Major*, *& Vrſa Minor*, containe each ſeuen Starres; and many other obſeruations of the ſaid Number Seuen may be noted.

Numerus magna perfectionis & virtutis.

Sabbath call yeares.

Iubilee yeare.

Some obſeruations there are of the Numbers Eight and Nine. And for the Number Ten, notice is taken of the Ten Commandements; Ten Curtaines in the Temple of *Solomon*; Ten Strings vpon the Harpe, Ten Muſicall Inſtruments, and diuers other particulars.

The Number Twelue hath very great vſe and cordandance in the Scripture: the 12 Tribes of Iſrael, whereof 12 ſtones were placed in the Riuer Iordan, and ſo many precious Stones vpon the breſtplate of *Aaron*; ſo many Loaues offered; ſo many Altars builded, and ſo many Lions vnder the braſen Seas; ſo many fountaines in *Helim*, and ſo many men ſent into the land of Promiſe; hereunto allude the Twelue Apoſtles, Twelue thouſand Nations marked, Twelue Starres to crowne the Queene of Heauen, Twelue Baskets of bread gathered, Twelue Angels, and ſo many gates and ſtones of the heauenly Ieruſalem; omitting to ſpeake of the Twelue Signes of the Zodiake, and many other particularities touching the coherence of this Number. Let vs note, that ſome Indians and Heathen people at Guiana haue no diuiſion or account of Times and Number, they onely reckon by the Moones, as one, two, three, foure, or fiue Moneths; or by daies in like manner: their numbers they reckon thus, one, two, three, and ſo to ten; then, ten and one, ten and two, and ſo forth. And to ſhew their meaning more certainely, they will demonſtrate the ſame by their fingers, ſtill making ſignes as they ſpeake: and when they will reckon twentie, they will hold downe both their hands to their feet, ſhewing all their fingers and toes; and as the number is greater, ſo will they double the ſigne. And when they appoint or promiſe any thing at a limited time, they will deliuer a little bundle of ſtickes, equall to the number of daies or moones that they appoint, and will themſelues keepe another Bundle of the like Number; and to obſerue their appointed time, they will euery day, or moone, take away a ſticke, and when they haue taken away all, then they know that the time of their appointment is come, and will accordingly performe their promiſe, which may be a preſident to many Chriſtians.

Indians account of Time and Number.

Thus much may ſuffice to haue noted concerning Number, and the coherence thereof

thereof with Time. Now whereas God by his diuine prouidence hath made all things ſubject to *Number*, *Weight*, and *Meaſure*, let vs in the next place intreat of weights and meaſures.

CHAP. IIII.

Of WEIGHTS *and* MEASVRES *vſed in all places of the world, with other obſeruations.*

The manner of Weights.

HAuing intreated of Time and Number, wherein and wherewith God doth gouerne all things according to his determinate will and pleaſure: Now in order let vs handle the deſcription of Weights and Meaſures, whereby all wordly things are diſpoſed of: which is moſt neceſſarie to be knowne, to giue euery man his owne, and to buy and ſell by; according to which, all contracts and agreements betweene man and man (in the courſe of Trafficke and Trade for all commodities) are made, to diſtinguiſh *Meum* and *Tuum*, by the Law and otherwiſe, according to common conſent of all Nations.

All WEIGHTS *are diuided into three ſorts.*

FIrſt by the great number, that is to ſay, by Hundreths, Kintalls, Centeners, Talents, Thouſands, Weighs, Skipponds, Charges, Liſpounds, Rooues, Stones, and ſuch like.

The ſecond ſort of Weights, is by pounds, Mina, Manes, Rotulus, &c.

The third diuiſion of Weights doth conſiſt in the ſmaller diuiſions of 12, 14, 16, 18, 20 and 30 ounces to a pound, and the ſubdiuiſions thereof.

Talentum. The Talent of the Græcians 60 Minas, euery Mana 100 Drachmes, ſo a Talent is ſix thouſand Drachmes, 8 of them to one ounce is 750 ounces. Another Talent of Greece is 16 Seſtertios, being 40 Minas or Pounds of 18 ounces, as alſo of 20 ounces. In Ægypt it was 32 Seſtertios or 80 pound. The 50 Seſtertios of *Cleopatra* are 125 ℔. In Thracia 48 Seſtertios being 120 pounds. In Africa 24 Seſtertios are 60 ℔. differing alſo in the pound weight.

Cantar or Kyntall. Cantar, or Kyntal, or Centener, called hundreths of 100, 112, 120, 125, 128, and 132 pounds. The Hebrewes did call Cicar to be 50 Minas or Maneg.

Weighs. Weighs are commonly 165 ℔, or 180 ℔, or 200½ for a charge.

Skippound. Skippounds of 300, 320, 340, and 400 pounds the Skippound.

Lyſpound. Lyſpounds of 15 and 16 pounds to the Lyſpound.

Rooues. Rooues or Arrobas of 10, 20, 25, 30, and 40 pound to the Rooue.

Stones. Stones of 6, 8, 10, 14, 16, 20, 21, 24, and 32 ℔, and alſo 40 ℔, as more particularly appeareth hereafter in their proper places.

Mixias. Mixias are alſo vſed, whereof wee finde mention made in ſome bookes, is ten thouſand, and is commonly vnderſtood for 10000 Dragmes of 8 to an ounce, and 12 ounces to the pound.

Markes: Beſſe. The pound is alſo diuided by Markes of 8 ounces, and Beſſe of 12 ounces; euery ounce was amongſt the Hebrewes 2 Sicles, or Staters.

Siclus

Siclus is ſometimes taken for an ounce, alſo halfe an ounce, and quarter of an ounce, which is Gerag, or obolus. Sicles. Staters. Gerag.

Mina Ptolomaica is 1 ½ Rotulus which is diuided into ſmall parts, *viz.*

- 18 ounces, of 12 to one Rotulus.
- 144 Dragmes, of 8 to one ounce.
- 432 Scruples of 3 to a Dragme.
- 846 Obulus.
- 1296 Lupes.
- 2592 Siliquas or Currats.

Mina of the Græcians, otherwiſe called Inna or Maneg, is a pound.

- 12½ Ounces.
- 25 Staters or Ciclos.
- 100 Dragmes or Roſoli.
- 300 Scruples, 24 to an Ounce.
- 600 Obolus.
- 900 Lupines.
- 1800 Siliquas.
- 3600 Areola or Chalcos.

Inna or Maneg.

Rotulus in Arabia, Siria, Aſia Minor, Ægypt, and Venice is 1 ℔.

- 12 Ounces or Sachoſi.
- 24 Septarios or Cicles.
- 84 Deniers of 7 to an ounce.
- 96 Dragmes or Darchiny.
- 288 Scruples or Grana.
- 576 Obolus or Orloſſat.
- 864 Danig.
- 1728 Carrats or Siliqua.
- 6912 Keſtuff.

The 7 Deniers make an Ounce, and there were Dragmes alſo of 1½ Dragme, and of 1⅛ Dragme, and of one Dragme called Alby.

In the Low-Countries the pounds are diuided diuerſly in 16 Ounces, euery Ounce in 8 Dragmes, or fifths, and 8 parts; And in France they call them 8 Groſſes, the 128 make one pound. In other places they diuide the pound in 12, 14, and 15 Ounces, whereof the Pounds and Ounces both doe differ, which is the cauſe that hereafter euery countrey hath a declaration thereof. Difference of Pounds and Ounces.

At Bridges in Flanders they vſe Pounds of 14 Ounces, and of 16 Ounces, whereof the 100 ℔ of 16 Ounces make 108 ℔ of 14 ounces; which Ounces of 14 to the pound are heauier, for 100 Ounces of theſe are 105⅓ Ounces of the 16 to the Pound: which Ounces are diuided in halfe Ounces, or Loot, and euery Loot in 2 Sizayns, and euery Sizayne in 2 Dragmes or Quintes. The ſmaller proportions and ſubdiuiſions of other places are as followeth. The Pound weight of Bridges.

Italian Pounds for phyſicke vſed in other places alſo.

- 12 Ounces.
- 24 Loot.
- 48 Sizaynes or Siliqua.
- 96 Dragmes.
- 288 Scruples.
- 576 Obolus.
- 1728 Siliqua.
- 5760 Graines.

The ſaid Weight of Phyſicke is at Lyons in France as the Merchants ℔.

- 12 Ounces.
- 96 Dragmes.
- 288 Scruples.
- 5760 Graines.

The

The Pound weight of Venice. { 12 Ounces. / 72 Sextulas. / 1728 Siliqua. / 6912 Graines.

The Pound at Paris in France. { 16 Ounces. / 128 Groſſes. / 384 Scruples. / 9216 Graines.

In Italy the pound is alſo diuided { 12 Ounces. / 24 Staters. / 96 Dragmes.

Vienna in Auſtria the pound in { 32 Loot. / 128 Quintes. / 512 Pennings. / 12800 Graines.

Foraſmuch as it falleth out moſt commonly, that vpon triall of an vnknowne Weight, we do begin from the ſmalleſt Weight or Graine, and ſo aſcend to the other proportions, and to the pound, by comparing the ſame to our Grains and diuiſions of the pound, which in matter of mint for Gold and ſiluer is of great moment, when the pennie weight is diuided into 24 Graines in England, and in the Low-countries into 32 Graines. Let vs note the great diuerſitie abouesaid of 5760 Graines to 12800 vſed at Vienna and other places, proportionably to their pound; and conſider how eaſily we may be ouertaken therein, whereof a more ample declaration is in the mint affaires.

Differences of Graines.

There is alſo a great obſeruation to be had in the correſpondencie of Weights of one countrie to the Weights of another countrie, vpon the hundreth ſubtle, that is to ſay 100 pounds euen Weight. And becauſe in England all wares of Volume or Bulck is ſold, ſome by the hundreth Weight of 112 ℔, and ſome is ſold by the pound, as ſpices, ſugars, and ſuch like, and yet are weighed by the ſaid weight of 112 ℔; and that moreouer, there is is an ouer-weight allowed called Trett which is 4 vpon the 112 ℔, and alſo 2 ℔ vpon euery skale of three hundreth weight called Cloff, which is abated betweene the buyer and ſeller, and ſo there is a loſſe of Weight by this Trett and Cloff: and eſpecially becauſe the commodities imported are bought by the Weight of forreine nations; I haue thought conuenient to deſcribe the ſaid correſpondence of Weight according to the 100 ℔ ſubtle of Antwerp, being generally knowne in all places: and for the Weight of London, to make ſome obſeruations particularly.

Trett and Cloffe.

¶ *The correſpondencie of* Weight *of moſt places of Trafficke.*

Antuerp. THe Cuſtome of Antwerp is to weigh by the hundreth pounds euen weight called Subtle, for the which commonly there is allowed at the weigh-houſe 101 ℔. A Stone weight is 8 ℔, the Skippound 300 ℔, the Weigh 165 ℔, the Carga or Charge 400 ℔, which are two Bales of 200 ℔ for an horſe to carry on either ſide, and the Pound is diuided into 16 Ounces.

The ſaid 100 ℔ Weight of Antwerp weigheth in the places following,

London. At London and all England —— 104 ℔ ſubtle weight, and of the Kyntall weight of 112 ℔, it weigheth —— 91 ½ ℔.

Dublin. At Dublin and all Ireland alſo, 104 ℔ and 91 ½ by the great hundreth.

Edenboborough. At Edenburg in Scotland —— 96 ℔ and all Scotland ouer; and 103 ⅓ for 112 ℔.

The ſaid 100 ℔ make 189 ½ Markes of 8 ounces, which are ounces Troy; wherewith Gold, Siluer, Pearles, Muske, Corrall, &c.

Diamonds

Diamonds are weighed by another weight called Carrat, which is alſo vſed in England, France, and other places. One Carrat is 4 graines in England, and with them about 5 graines, becauſe as aforeſaid they haue 32 graines to the Engliſh, being our penny weight. *Diamond weight.*

The ſaid 100 ℔ of Antuerp are correſpondent with the 100 ℔ of Bruxels, Malines, Hertogenboſh, Lovain, Arſchot; but at Barrow op Zoom 98 ℔.

At Bruges alſo 100 ℔. But Wooll weight is 108 ℔, which are weighed by Stones of 6 ℔, called Nayles, vſed alſo by the Skinners there, & maketh 114 ℔ Engliſh wool weight weighing by foure Nailes, whereof 45 Nailes make a weight, the two weighes make one pocket of Wooll. *Bruges.*

This 100 ℔ of Antuerp is but 93 ℔ at Bruges, in the weight of Butter and Cheeſe, weighing by ſtones of 6 ℔, and 20 ſtones is a Weigh, and do make alſo 189 ½ Markes of Siluer, Gold, &c. Troy weight.

The ſaid 100 ℔ makes at Gaund, Ypre, Dixmuyde, Hulſt, Poperinge, Tornay, Ailſt, Mirnow, for Hops and other wares 108 ℔; and alſo in the Wallons country. And at Audinard, Cortryke, Lille, Doway, Santomer, and all Flanders 110 ℔. *Gaund.*

The ſaid 100 ℔ of Antuerp make at Amſterdam but 94 ⅘ ℔, and for ſilkes they vſe the weight of Antuerp. *Amſterdam*

And all Holland, Gelderland, Walſland, and Zeland, it is 99 ℔, and 110 ℔ only at Zurickzea and Tergoes maketh 107 ℔. *Holland. Zeeland, &c.*

France.

The ſaid 100 ℔ of Antuerp ſubtle weigheth by the Kings weight, at

Paris ——— 93 ℔, accounting 4 quarters of 25 ℔ to the hundreth.
Diepe, Abbeuile, Bourdeaux, Borgoingne, &c. ——— 94 ¾ ℔.
Roan ——— 91 ℔, by the Viconte, accounting as at Paris.
Alſo by the ordinary weight, ——— 94 ¾, weighed by the ſame, and account 4 ℘ cent. ouer.

Lyons ———
- 111 ℔ ordinary weight by Centeners of 112 ℔.
- 102 ℔ Almericke or weight of Genua, for ſilkes, ſaffron, and ſuch like, weighing by ſmal weights, and abating 8 ℘ 100.
- 94 ¾ ℔ by the Kings weight, to pay Cuſtome by.
- A Charge is 300 ℔, a Quintal 100 ℔, and a Somme is 400 ℔.

Tholouze, Avignon, Montpellier ——— 111 ℔; euery Centener or Quintal is 2 Frailes of 56 ℔.

Rochel ——— 111 ℔; and 119 ℔ by the ſmall weight.

Calais in Picardy ———
- 111 ℔ ordinary weight.
- 92 ℔ Merchants weight.
- 114 ℔ the Engliſh wooll weight

Genua ———
- 102 ℔ weight for Spices.
- 85 ℔ by the great weight.
- Carga or Charge, is 270 ℔ ſmall weight.

Marſellis ——— 111 ℔.
S. Antoine ——— 127 ℔.

Aquiſmort, Mirabel, Calſada, Offerte, — 102 ℔. And all France generally 111 ℔. Lyons weight are ſome 102 ℔, or 94 ¾ as aforeſaid.

SPAINE.

Sevill, the ſaid 100 ℔ are 107 ℔ by { Great quintal 144 ℔ of 4 Roues of 36 ℔. / Smaller quintal of 112 ℔, of 4 Roues of 28 ℔. / Leſſer quintal of 120 ℔, of 4 Roues of 30 ℔.

Granada and Armaria bona —— { 105 ℔ Is pound of 16 ounces. / 93 ℔ Silke and Copper weight of 18 ounces. / 54 ℔ great weight for Fleſh of 32 ounces.

Caſtile —— } 102 ℔.
Medina del Campo }

Burgos —— 93 Rotulus.

Arragon —— { 106 ℔. / 96 ℔, Great weight for Wooll.
Barſelona — 131 ℔, ſmall weight for Saffron.

Valentia, — { 106 ℔ by Quintals of 4 Roves, of 30 ℔ for Spices. / 134 ℔ by Quintals of 4 Roves of 36 ℔.
Carga is 3 Quintals of 360 ℔, and the greater of 432 ℔.

The ſaid 100 ℔ *of Antuerp makes in Spaine,*

At Leon —— 109 ℔.
Sarragoſſa —— 112 ℔, and ſmall Quintal 131 ℔.
Lavalona, Sallanico, and Magilica, — 131 ℔.
Vilaco, —— 80 ℔.

The Iſlands of the Canaries and all the Iſlands of Spaine vſe the weights of Sevil, as aforeſaid.

PORTVGAL.

The ſaid 100 ℔ make 107 ½ Rotules or Araters, by —— { The great Quintal of 108 ℔. / The ſmall Quintall of 112 ℔, containing each foure Rooues of 32 ℔, and 28 ℔.

There is allowance made, foure vpon the hundreth vpon Sugars; and two and three vpon Cotton wooll and ſuch like. The ſmall Quintal is the weight of the Contraction houſe of the Indies: Spice is weighed hereby, but all weighed by the great Quintal, and reduced vpon the leſſe Quintal. One Quintal of Wax is 1 ½ Quintal of 112 ℔, is 168 ℔.

Madera
Cabo Verde
Santo Thomas
Guynea
Marocco in Barbary } 107 ½ Rotules or pounds by the Quintal of 128 ℔.

Fez and Suus in Barbary, —— 96 ℔.

Calicut, 80 Aracoles for the ſaid 100 ℔ of Antuerp; here they ſell by Baccar or Bahar, being at Lisbone 4 great Quintals of 112 ℔.

Baccar or Bahar is — { 4 Quintals for 120 Aracoles. / 20 Faracoles of 32 ℔ p Roove, at Lixborn is 5 Quintals. / 480 Aracoles.

ITALY.

Venice, the ſaid 100 ℔ is —— 98 ⅔ ℔ Great weight, wherewith Fleſh, Butter, Cheeſe, Leather, Dates, Yarne, copper thred, Iron, oile, Brimſtone, and wooll are weighed, called *A la groſſa*:

And

And by the ſmall weight *Allaſotile*—156 ℔ of 12 ounces, moſt vſed for all merchandiſes, euery ounce is ſix Saſſi, euery Saſſi of 24 Carrats, euery Carrat is 4 Graines.

They do alſo weigh by thouſands of 40 Mixi of 25 ℔ euery one. And there is allowance made two vpon the hundreth, in the Cuſtome houſe; they account alſo by Cargaos of 400 ℔ ſmall weight. Alſo by ſtar of 220 ℔ weight, howbeit ſtar is *Menſuralis*, to meaſure according to the weight of the Goods, as Ginger 180 ℔, Raiſins 260 ℔, Corne 130 ℔. Starre containeth 54 pottles of wine at Antuerp, Iſtria, Spalato, Sequia, Fiume, Piran, and Trieſte, haue all the ſame Weight, which the Venetians vſe, as aforeſaid.

The ſaid 100 ℔ at Rome, Florence, Bologna,
- 132 ℔.
- 125 ℔ of 12 ounces.
- 53 ℔ of 30 ounces to weigh Wax and Wool by Roues of 10 ℔.

Milan, Pavia, and Cremona
- 143 ℔, of 12 ounces moſt vſed.
- 132 ℔ of 12 ounces, being 13 of the other.
- 60 ℔ of 28 ounces for fleſh.

Rechanate——137 ℔, but to gold thred but 112 ℔.

Treuiſo, Padua, Ferrara, Ottrante, Vrbino, Lanſan, Ceſena, Bergamo,——137 ℔, and 108 ℔ by the two Quintals.

Verona	90 ℔, and for Gold Thred	143 ℔.
Breſſa	184 ℔, and for Venice gold	136 ℔.
Naples	120 ℔, and for Venice gold	134 ℔.
Romagna	120 ℔, and for Venice gold	134 ℔.

Carpi, Mirandola, Parma, Plaiſance, Luca, Mantua, Forli, Carmia, Aquila, Crema, Como, Piedmont, The ſaid 100 ℔ of Antuerp make 147 ℔.

Sauoy——137 ℔, and ſmall weight 195 ℔.

Rauiano, Faenza, Modena, Rimano, Rauenna, and Raguza, all 132 ℔.

Genes by Roues, to a Quintal of 4 Roues and 4 ℔ ouer and aboue allowed, Pepper 110 ℔, and Ginger 114 ℔ the Quintal.

Napoli de Reame, Puglia, Calabria
- 147 ℔.
- 53 Rotulus the 100 to one Quintal or Cantar.

Macharon——

Sicilia all the Iſland ouer——
- 152 ℔ of 12 ounces.
- 61 Rotuls of 30 ounces, is a Cantar of 24 Seſtertio's.
- 54 Rotuls for fleſh by talents of 12 Seſtertio's, is 30 Rotulos.

Candia——
- 138 ℔ for gold thred.
- 89 Rotules, the 100 is a Cantar or Quintal.

Nigrepont, Griro, Laarta, Cataio
- 119 ℔.
- 87 Rotules, the 100 a Cantar.

Lacaonia 138 ℔, 78 ½ Rotules.
Conſtantinople { 87 ½ Rotules, the 100 a Cantar. / 39 Ochaa.

Dragma they call Metallici, of 2 ½ make 3 Dragmes of ours.
The ſaid 100 ℔ make at Armenia 130 ℔.
At Burſa in Natolia——88 Rotules.
Bucca ——————— 44 Ocha's.
Damaſco 26 Rotules, whereof the 100 make a Cantar, euery Cantar 5 Zurli or ſtones of 20 Rotules, a Riuola is at Antuerp 225 ℔.
Tripoli 22 Rotules.
Bieritti 21 Rotules.
Suria 156 Mina's, euery one of 100 Dragmes.
Siria in Hebrew 80 Mina's or Maneg, and 100 is a talent of pounds 18 ounces.

Alexandria——————{ 108 Rotules, the 100 a Cantar. / 78 Mina's of 20 ounces.

Kalla maketh at Antuerp 560 ℔.
Molucco 88 Rotules, the 112 make a Cantar.

Arabia ——————{ 78 Rotules of 12 Sachoſi, or ounces / 148 ℔. / 104 Maires or Mina's.

Almerica Malica—90 ℔ of 12 ounces, or 36 Mina's Seſtertio's of 30 ounces, or is 60 Siclos.

Cyprus 20 ½ Rotules, the 100 a Cantar, and the 100 of Famiagoſta are in all the Iſland 104.

Rhodes 19 ½ Rotules, the 100 make a Cantar.

Scio: Fio 96 ¼ Rotules or Scrutari.

Corfu 97 ℔ great weight, and 115 ℔ ſmall weight.

Levante 26 Rotules and 156 ℔.

Ægypt.——————{ Alcario { 78 Mina's of 16 ounces. / 164 ℔. / 27 Rotules of 6 ℔ euery one. / Sciba is at Antuerp, 320 ℔, is Skippound. / Zeroi is 50 Rotules. / Forfori is 65 Rotules, is for Pearles. / Zaidin is 77 Rotules.

Muske and Amber is weighed by Metallici or Dragmes, and with Peſo, whereof 1 ½ is Metallicum, the 50 are one marke, and our marke is 42 Metallici.

Suria ——{ Tripoli 26 ½ Rotules. / Achri 17 ¼ Rotules, the 100, a Cantan Tambaran. / Aleppo and Aman 22 Rotules, the 100 a Cantar.

Euerie Rotule is 60 ounces, 8 Metecalo or Dragmes is the Rotulo, 480 Metecalos or Metalicos is euerie one 1 ½ Peſo, and the 10 Peſo's is an Ouga or Ongia, wherewith Ciuet is weighed.

Archipelago }
Nicoſia } 120 ℔.

Barbary

Barbary
- Arcadia — 92 ℔. / 83 ℔, for Mauigette.
- Tripoli, Thunes — 63 Rotules.
- Oran — 94 Rotules, the Cantar is 5 Roues of 20 Rotules. / 138 ℔ for ſpices, and the Cantar is 4 Roues. / 50 Rotules for Corne, euery Cantar 6 Rotules. / 61 Rotules for Cotton wooll, 15 to a Cantar.
- Vna — 65 Rotules for Cotton wooll. / 75 Rotules for Spices. / 94 Rotules for Corne.
- Sus in Africa by the Quintal of 100 ℔ of Seuill.
- Feas, the Quintal is 66 ℔ of Antuerp of 18 ounces.

GERMANIE.

The ſaid 100 ℔ of Antuerp maketh as followeth, at

- Norenborgh, Conſtance, Spiers, Bibrach — 92 ℔ of 16 ounces or 32 Loott, ſome by the Centener of 100 ℔, and ſome of 120 ℔.
- Collen — 93 1/3 ℔.
- Ausburgh, Munchen, Wiſell, Norlingen — all 95 ℔.
- Salsborgh — 111 ℔ by the ſmall weight, and 83 ℔ by the great.
- Meyſen and all Saxonie — 100 ℔, Zigoſtatica is the Princes, weight, marke, pounds of ſixteene ounces. / 96 ℔ Merchants weight. / 148 ℔ of 12 ounces.
- Frankford, Hecdelborgh, Lipſich, Friburch, Vlme, Iſuff, Offen of Offner, Baſle, Coſtuts, Dompſtetter — 96 ℔, they do vſe the Centiner of 100 ℔, 120 ℔, and 132 ℔.
- Botſen — 138 ℔ ordinary weight.
- Adler — 91 ℔ to weigh Steele, Tinne, and Copper.
- Breſloo, Sileſia, Pooſen — 120 ℔ by Centiners of 132 ℔, and Stones of 24 ℔, whereof 5 Stones make a Centener.
- Prage, Canali, Paſſau, Gern, Regensborgh — 87 ℔.

Vienna

Vienna, Erfurd, Idria } 385 ℔, a ſum of Quick-ſiluer is 275 ℔ of { 32 Loott, 128 Quints, 512 Penning } the ℔.
Looſen 146 ℔.

EASTLAND.

The ſaid 100 ℔ of Antuerp make at
Hamborogh——————96 ℔, the Centener is 120 ℔ of 10 ℔ to the ſtone, 300 ℔ to the Skippound, or 20 Liſpound of 15 ℔.
Lubecke——————96 ℔, The Centener 112 ℔, the Stone 10 ℔, and 32 ſtone to a Skippound, and the 20 Liſpound of 16 marke pound is a Skippound alſo.
Coppengen 96 ℔ as Lubecke
Berghen in Norway——————96 ℔, but very vncertain weighing with a ſling.
Straelſont 92 ℔, the ſtone 10 ℔, and the Liſpond 16.
Statin is 96 ℔, ſmall ſtone 10 ℔, great ſtone 21 ℔, the Centener 112 ℔.
Stockholm in Sweden 120 ℔, the Skippound is 320 ℔, and alſo 340 ℔, as at Danſicke by ſtones of 34 ℔.
Reuell 120 ℔, and the Skippound is there 400 ℔.
Danſicke 120 ℔. 16 marke pound are one Liſpound, and 20 Liſpound one Skippound by the ſmall ſtone of 24 ℔ for ſpices, &c.

They haue alſo a great ſtone to weigh groſſe wares, as wax, flax, and the like of 34 ℔ whereof 10 to the Skippound of 340 ℔.

Coninxborogh 125 ℔, the ſtone is 40 ℔, and 10 ſtones one Skippound of 400 ℔, they do alſo weigh 350 ℔, for the Skippound of Danſicke which is very dangerous, beſides that the citiſens are much fauoured.
Meluin is 124 ℔, the ſtone 40 ℔.
Riga is 120 ℔, and 20 a Liſpound, and 20 Liſpound to the skippound.
Thoren 120 ℔, the ſtone is 24 ℔.
Nareca 120 ℔, agreeing with the weight of Riga.
Wilde is likewiſe 120 ℔, and 20 ℔ one Liſpound.
Cracou is 124 ℔, and the Centener is 136 ℔.

The weight of the laſt of corne.

The skippound is vſed in many places; and as in Italy and other countries a Carga or Charge is the loading of a horſe of 300 or 400 ℔: ſo the skippound is taken for the lading of corne in a ſhip, *quaſi Shippond*, as a diuident of a Laſt of corn; and as a pound is diuided into 12 or 16 ounces, ſo is the ſhip-laſt diuided into 12 or 16 parts. As for example, at Danſicke 16 skippound for the Laſt of 340 ℔ for euery skippound which is the Laſt of Rie, which is at Antuerp 283 ℔, ſo the ſaid Laſt 4245 ℔: and of wheat 4528 ℔. At Riga and the Nerua 12 skippound 4000 ℔; at Melvyn and Connixborough 5200 ℔, in the Low-Countries is 16 ſhippound for Wheat, at 300 ℔ maketh 4800 ℔, and 14 skippound for Rie is 4200 ℔, ſo by the weight is the Laſt of Danſick bigger and heauier than the Laſt of Amſterdam: and you ſee the difference of weight between Wheat and Rie. Theſe pounds are called Marke pounds, beeing of 2 markes to the pound to be knowne thereby to be pounds of 16 ounces.

Rie.
Wheat.

¶ *Obſeruations concerning the manner of* Weighing.

TO weigh with few pieces or Weights, take Weights of augmentation double, namely 1 ℔, 2, 4, 8, 16, 32, and 64, making together 127 ℔, and with theſe ſeuen pieces you may weigh all things vntill 127 ℔: and with treble augmentations, as 1, 3, 9, 27, 81, 243, and 729 ℔, vntill 1093 ℔. But the double augmentation is more commodious for Germanie and England, where the Centener of 112 ℔ is vſed.

There

There muſt be a ſpeciall regard had concerning the beames or ballances, for the juſtifying of them. If it bee an iron beame, try the ſame empty, and afterwards loaden with equall weights: and if it be a woodden beame, it happeneth many times that the ends are not euen, or that the irons about the ends are remooued more on the one ſide than the other; therefore try the ſaid beam both empty and loaden, and you may find a great difference in weight, which with knocking in the iron with a hammer may be remedied.

Whereas the weight of Antuerpe (whereupon all the aforeſaid correſpondences are calculated) is bigger than the weight of London foure vpon a hundreth, which may be thought a benefit; the ſame is not ſo to be accounted, becauſe of the cuſtome 4 *pro cento* for Trett, allowed betweene the buyer and the ſeller, at London, which taketh away the benefit. This Trett is taken by diuiding your Weight ſubtil by 26, otherwiſe you ſhould allow as it were Trett vpon Trett.

The maner of the Romanes to make their Wills and Teſtaments.

The Romans held a Cuſtom to name or call euery mans Capitall or ſtock, a pound or As; diuiding the ſame into twelue ounces, euery ounce into 24 Scruples, 288 ſcruples to the pound: Beſſe was $\frac{2}{3}$ of the pound, or 8 ounces *Sextula* of an ounce. *Duellum* of the pound is *Bina Sextula*, or $\frac{1}{3}$ part, *Sicilicus* is 6 ſcruples, Dragma 3 ſcruples. And ſo in the making of their Wills aud Teſtaments, they put downe one to be heire of Beſſe, is 192 ſcruples, two of an *Ouncia* is $\frac{1}{12}$ part, or 24 ſcruples, 3 of *Semiſſa* is $\frac{1}{2}$ a ſcruple, 4 of *Duello*, is 8 ſcruples; in all 368 ſcruples, there beeing but 288 ſcruples in the pound: ſo euery mans portion muſt be ratably diminiſhed according to the pound. *Cicero* made the Teſtament of *Ceſinna, ex deunce & ſenuncia*, was $\frac{23}{24}$ parts, and of *Marcus Fulvius* of 2 *Sextula* was $\frac{1}{16}$. There is alſo *Ebutio ſextula*, beeing $\frac{1}{72}$, and ſo the maſſe of their goods was deſcribed.

Of one pound of 12 ounces, *Sextans* is two ounces, *Quadrans* 3 ounces, *Triens* foure ounces; and ſo accordingly the goods were diſtributed in equitie. By means whereof the Teſtators wealth was not knowne, and when he gaue more than the proportion Arithmeticall came vnto, the order was to reduce the ſame to the pound of 288 ſcruples by diminution of euery mans rate accordingly. The cuſtom vſed by many now to giue certainties, and the remainder in vncertaintie is to be preferred.

¶ *Weights for Monies, and their correſpondence for moſt places of traffique.*

THere is another weight which is vſed in the Mints for Gold and ſiluer, which is the Marke weight of 8 ounces. This marke weight is heauier at Antuerpe than their ordinary pound, by fiue vpon the hundreth.

This marke is diuided in 20 Engliſh, euery Engliſh 32 Graines; ſo one marke is 5120 of their Graines.

This manner of marke weight is vſed in moſt Countries, howbeit in ſome places of Italy by pounds of 12 ounces otherwiſe diuided.

In England the pound Troy of 12 ounces is diuided into 20 penny weight, euerie ounce and euery penny weight into 24 graines, which in Antuerp vpon the mark is diuided into 32 graines. So the pound Troy of 12 ounces at London is but 5760 Graines; whereas the marke of Antuerp being but 8 ounces, is 5120 grains, as aboue ſaid. Whereof we intend to treat more amply in our ſecond Part of the Law-Merchant.

There is alſo vſed a penny weight, which is diuided; the marke in 8 Ounces, the ounce in 24 penny weight, and the penny weight in 24 graines, making the ſaid mark of 8 ounces to be 4008 graines.

The Marke is diuided at Rome in 8 ounces.

The Mark weight of Rome
- The ounce in eight Dragmes.
- Dragma 3 ſcruples.
- Scruple 2 Obolus.
- Obolus 3 ſiliqua's.
- Siliqua 4 Primi or grains; ſo euery mark is 4608 grains.

Meyſen

Meyſen in Saxony,
- Markes 8 ounces.
- Ounce 24 penny or Deniers.
- Penny 24 grains or Momenta, is alſo 4608 Momenta to the Marke.

Danſicke in Eaſtland
- Marke 8 ounces
- Ounce 32 penny
- Penny 2 Heller

} Is 512 in the Marke.

Noriborough,
- Marke 16 Loot.
- Loot 4 Quintes.
- Quints 4 Prime or Numulos.
- Penny 4 Seſtertio's, is the mark 256 Penny, or 1024 Seſtertio's.

France.
- Marke 8 ounces
- Ounce 8 groſſes
- Groſſe 3 deniers
- Denier 24 grains

} Is 4608 Graines the Mark.

Portugal,
- Marke 8 ounces
- Ounce 8 Oitavo's
- Oitavo 4 ½ great Graines.

} 288 graines to the Marke.

Venice,
- Marke 8 ounces.
- Ounce 4 quarts or Silico's.
- Quarta 36 Carats or Siliqua's.
- Carrat 4 graines, is 4608 graines to the Marke, or 1152 Siliqua's.

Florence
- Pound in 12 ounces
- Ounce 24 deniere
- Deniere 24 graines,

} 6912 graines the marke.

Genua

	Gold.	*Siluer.*
	Marke 8 ounces.	Pound 12 ounces.
	Ounce 24 deniers.	Ounce 24 deniers.
	Denier 24 grains.	Denier 24 graines.

Naples, a pound 12 ounces, and an ounce 8 Octany.

Beſſe, or old marke of the Romanes,
- 16 Loot or Tetradragmes.
- 21 ⅓ Tridragmes.
- 32 Didragmes.
- 64 Dragmes.
- 96 Obolus or Treobolus.
- 128 Triobulos.
- 384 Obolos.
- 768 Miobolos.
- 3840 Momenta.

The old pound of the Romans, called *Pondus*,
- 64 Denarios.
- 128 Quinarios.
- 256 Seſtertios.
- 640 Aſſes.
- 1280 Semilibella's.
- 2560 Teruncios.

Libra

Libra Romana. —
- 12 Ounces or gilders.
- 84 Denarios.
- 168 Victoritatus.
- 336 Seſtertios.
- 840 Aſſes.
- 3320 Quadrantes or Teruncios.
- 5040 Sextantes.

We haue declared heretofore the diuiſion of the pound weight for wares, and the correſpondence of the hundreth ℔, compared to the 100℔ Suttle of Antuerp. And now in the ſame manner we ſhall note the correſpondence likewiſe by the hundreth markes of Antuerp to all the ſaid places or moſt of them, which is called the weight of the Duke of Burgondie, agreeable with the 100 markes of Bridges, and containing 14 ounces to the pound.

The ſaid 100 markes of Antuerp make in all places following.

Saxony.	Danſicke.	$105\frac{3}{19}$ Markes.
Meyſen.	Milan.	
Collen.	Vicenza.	
Treci.	Lipſich.	
Mens.	Vlme.	
Erfurd.	Frankefoord.	
Grecia.	Ausborough.	
Noremborgh.	Bauiere.	$103\frac{1}{4}$ Markes.
Franconia.	Bamberg.	
Wiſſilbourgh.	Fribourgh.	
Ancona.	Triuiſo.	
Roma.	Crema.	
Venice.	Verona.	

Piedmont and Turin —— 99 Markes.
Florence 72 pounds.
Aquila 71 ℔.

Naples. Calabria. Puglia. Adler. — $76\frac{1}{2}$ Pounds.

Vienna. Hungary. Bothner. Bohemia. — 87 Markes.

Breſla in Sileia $121\frac{1}{4}$ Markes.

Paris. Lyons. — 112 Markes, Merchants weight.
Genua. — $102\frac{1}{2}$ Markes the Kings weight.

Genes. — 116 Markes for gold.
77 Markes for ſiluer or pounds.

Spaine 107 Markes.
Catalonia 100 Markes.
Burgas $116\frac{2}{3}$ Markes.

Conſtantinople.
Turkie.
Africa.
Narſinga. } 87 Markes.

Perou.
NouaSpagnia. } 87½ Markes.

Ægypt 94 Beſſes.
Perſia 87 Minas.

The premiſes are applied for our inſtruction in the handling of Mint affaires more at large.

¶ *Here followeth the deſcription of the Meaſures.*

WHereas all Commodities, Wares, or Stuffes made of Wooll, Linnen, Silke, or Haire, are meaſured by the Elle, or Yarde, which was taken vpon the meaſure or length of the arme, accounting the halfe Elle for *Cubitus*, diuided into foure quarters, and euery quarter into foure inches: we ſhall alſo follow the Elle at Antuerp, generally knowne and obſerued in all places, in the correſpondence and buying of forraine commodities by it, reducing the ſame afterwards to our elle or yarde.

Correſpondence of meaſurere.

The hundreth ells of Antuerp make in the countries following.

ENGLAND.

London
60 Ells for linnen Cloth with the palme and thumbe meaſured.
75 Yards for woollen Cloth with the thumbe which is $\frac{1}{36}$ of a yard.
59 Godes to meaſure Frizes or Frizadoes.
61 Ells Cords to meaſure Rowan Canuas whereof the Centener is 120 Elles, 10 Cords to a Centener of 12 Elles.

Scotland 72 Elles, and they reckon with ſix ſcore to the hundreth, is 120.

THE LOW COVNTRIES.

Antuerpe for ſilke wares is but 98½ Elles.
Bridges in the ſhops is alſo 98⅔, but for linnen is but 94½ Elles.

Gaunt.
Audenarde
Yſenghem
Damme
Ipre
Sluys } all 98½ Elles, and all Flanders and Brabant accordingly, and not named hereunder.

Dunkercke
Honſcotten } 100 Elles.

Caſſell, Wynockxborough, Deyſe, Lowe,
Bolducke, Bruſelles, Dieſt, Louain make 102 Elles.
Lile, Cambray, Doway, Orſies, Meanen and Maſiers 96 Elles.
Amſterdam 101¼. Harlem in the market 94½ Elles for linnen.
All Holland beſides is 103½ Elles.
Henault 94½ in the markets, but in ſhops 98½ Elles.
Gelderland and Ouerryſell 104½ Elles.
Middleborough 100 Elles, and in the market for linnen 94½ Elles.

Fliſſing

Fliſſing 104 Elles, Vere 94 ½ Elles, Goes 97 Elles, Romerſwall 99 Elles
Artois all the whole prouince 98 ⅔ Elles.
Tourney 108 Elles.
Liege 114 Elles.
Maeſtricht, Aſſelt, Namen, and Acon. } 194 ½ Elles.
Couyn but 70 Elles.
Hoye 102 Elles.

FRANCE.

The ſaid 100 Elles of Antuerpe make at Rouen 58 Elles, the Centener of Elles being 112 of 4 quarters of 28 Elles.
Paris, Rochell, and all France, the following places excepted, 59 Elles.
Nantes, Abbeuile, and all Picardie 84 Elles.

Lyons — { 60 Elles for linnen cloth. / 94 ½ Elles for ſilke wares.

Auignon { 60 Elles. / 36 Cannes.

Prouence — 36 Cannes.

Marſelles { 36 Cannes for ſilke. / 33 ½ Cannes for woollen cloth.

Geneua 60 Stabb.

ITALIE.

Venice, Iſtrica, Piran { 101 ⅔ Braces for woollen cloth. / 108 for ſilkes and cloth of gold.

Florence { 122 ½ Braces for ſilkes. / 116 Elles for woollen cloth.

Rome { 33 Cannes / 105 ½ for woollen cloth.

Luca and Raguza 120.
Ferrara, Modena, Mantua, Perato, Ancona, Ceſena, Bologna, Carpi, Nigropont, Mirandola. } 107 ½ Braces.

Verona { 104 ½ Braces. / 108 Braces of cloth of gold. / 86 Braces.

Parma { 109 ½ Braces. / 91 Braces.

Rauenna, Scio, Corfu 116 ⅔.

Genes { 122 Braces. / 288 Palmes for ſilke wares, and 104 palmes is giuen for 34 ⅔ Elles. / 32 Cannes for woollen cloth of 9 palmes the cane. / 29 Canes of linnen cloth of 10 palmes to the cane.

Vicenza 98 ¾ for woollen cloth, and 80 ½ Braces for ſilkes.
Naples 116 Canes and 33 ⅓ Canes.
Padua 101 ⅔ for cloth, and 83 ½ Braces for ſilke wares.

Milan { 120 Braces Campido for linnen cloth. / 141 Braces for ſilke, which muſt be conditioned.

Rauenna 113 Braces.

Breſſa, Treuira, Crema, Bergamo, Rechanati, Vrbin. Cremona, Lacaia. } 101 ⅔ Braces.

Peſaro 103, and for Cloth 107 Braces.

Sicilia, palermo / Maſilla ——— } 34 ½ Canes of 4 pichy to the Cane.

Gira 124 Pichy, Rama 115 Pichy, Salonici 109 Pichy.
Tripoli in Barbary 124 Pichy, of 4 to a Cane.
Lavalona 111, Nigroponte and Lepanto 113 Pichy.
Alexandria, Larta 124 Pichy.
Siria, Damaſco, Bruti 111 ⅓ Pichy.

Suria. { Tripoli 112 Pichy. / Achri 115 Pichy. / Alepo / Aman } 108 Pichy.

Burſa in Natolia 114 Pichy, Bucia 158 Pichy.

Conſtantinople { 113 Pichy, / 80 Pichy for canuas.

Archipelago / Sapy ——— } 100.

Puglia { 31 Canes for clothes. / 33 Canes for ſilkes.

Calabria, Adler, Lanſan, Malaca, Rhode, 33 ½ Canes.
Candia 108 Pichy, Sebenico, Zara 112 Braces.

EASTLAND.

Embden / Brema / Hamborough } 122 ½ Elles.

Lubecke 120 Elles.
Munſter 65 Elles.
Oſenbrigh 63 Elles.
Wiſmar 118 Elles.
Roſticke 119 Elles.
Gripſwoll / Domyn } 122 ½ Elles.
Statin, Ockermond, 106 Elles.
Danſicke, and Melvyn, 122 Elles.
Connixborough 125 Elles.
Riga and Reuell 125 Elles. Narua 125 Arſins.

Sweden

Sweden and Stockholm 125 Elles, but at Barrow vncertaine, for they measure the bigneſſe of your head with a rope for an Elle, and may be 120 Elles.

GERMANIE.

Collen 120 Elles.

Norenborough } 105 Elles for ſilke and linnen wares.
Meyſen }
Lipſich } 120 for cloth.

Ausborough } 127 for cloth.
Franckford } 125 for linnen.

Halle and Meydelborch, 105 Elles.

Prage }
Breſlo } 111 Elles, and for ſilke wares 120 Elles.
Bautſon }

Vienna 77 ½ for linnen, 85 ½ for cloth and ſilke.

Ofner { 119 / 130 } Regenburch 78 ½ Elles.

Vlm 120, and for woollen cloth 96 Elles.
Ernfurd 165 Elles. Ienfer 60 Stabb.
Zurich 116 ½ Elles. Baſell 125 Elles.

SPAINE.

Caſtill and Toledo, 85 Varas of 4 Quartos, euery quarto 2 Palmes.

Cadez { 81 Varas. / 108 Elles for ſilke. }

Andaluzia, Seuill, Granado 83 ½ Varas.
Barſelona, Aragon, 43 Cannes.
Saragoſia 33 Cannes.
Valentia 73 Cannes.

PORTVGALL.

Lisborne { 62 Varas. / 83 Varas. / 100 Couados for Silke Wares. }

Maroco. Capo d'Algier 136 ½ Couados, of twelue to one Cane.

The Meaſure *of wet Commodities.*

THe Romanes in times paſt, called the wet Meaſure by Ounces, as we doe the weight; accounting ten Ounces *Ponderales*, for twelue Ounces *Menſurales*: ſo *Seſtarius Romanorum* was eighteene Ounces weight meaſure, and 21 ½ Ounces *Menſurales*, or wet Meaſure.

Difference between pounds or ounces, *Ponderales* and *Menſurales*.

At Meyſon in Saxony twentie Ounces *Ponderales*, make twenty foure *Menſurales*.

At Lypſich thirtie two Ounces wet Meaſure, to 26 ½ Ounces weight Meaſure; the difference of correſpondence from fiue to ſix.

A Hog-

A hogſhead of Wine weigheth 500 ℔, the Caske 50 ℔: ſo in Wine 450 ℔.
A hogſhead of Corne 400 ℔, the Caske 50 ℔, is Netto 350 ℔ in Corne.
So one Tunne of Wine weigheth Nett 1800 ℔, and with the Caske 2000 ℔.
And one Tunne lading of Corne 1600 ℔, being in Caske alſo.

Obſeruations for the lading of Ships by weight and meaſure.

Two Tunnes are accounted for one Laſt: ſo two Tunnes of Wine 4000 ℔ and ſomewhat more; and in Hogſheads there ſhould be but $\frac{2}{3}$ parts of a Laſt.

At Dort in Holland, they call a great Veſſell, a Rod of Wine, which weighed 4500 ℔, as a laſt of Corne; comparing theſe 4500 ℔ *Menſurales*, by reduction of ſix to fiue, are 3750 ℔, *Ponderales*, is 12 $\frac{1}{2}$ Ames. Now if you account the gallon of Wine of Antuerp to weigh 6 ℔, the capacitie of this Veſſell is 15 Ames, being 750 gallons.

The Rod, is a Rod quadrant, of tenne foot long, and tenne foot broad, and one foot deepe, euery foot containing 7 $\frac{1}{2}$ gallons Antuerps Meaſure, or 4 $\frac{2}{7}$ foot Cubice.

The Romanes had a Meaſure called Amphora, of foure great feet, as are vſed at Paris, Cubice 64 foot of 11 $\frac{3}{4}$ of the Antuerp gallon: ſo you ſhall finde the Rod of 750 gallons ſet downe for ſo many ounces; and tenne *Mixiades* for 1000 gallons Dorts, in the lieu of pounds.

Amphora, of the Romanes wet Meaſure, is 84 ℔, or 72 ℔, weight Meaſure, is 50 ℔ weight of Antuerp, and in——

Wine or raine water	50 ℔.
Of diuers Riuer water	53 ℔.
Oyle of Butter	45 ℔.
Beanes and Peaſe	35 ℔.
Linſeed	39 ℔.
Corne	40 ℔.
Almonds	42 ℔.
Raiſins	49 ℔.
Figges and Cheſnuts	67 ℔.
Hony	75 ℔.
Quickeſiluer	850 ℔.

Obſeruations.

Peaſe grinded weigh more than Corne, the roundneſſe giueth cauſe to haue more roomth, and differeth from 7 to 9.

Warme water lighter than cold water.

Warme water is lighter than cold water; and conſequently the cold water, as the heauier, will ſooner runne through a hole than the warme water, for the weight of the cold water preſſeth more.

Oyle and all greaſie things are light, and therefore ſwimme aboue, and burne. Diſtilled waters are yet lighter, and will ſwimme aboue the oyle, and alſo burne better, being more combuſtible.

The caske which is made for the keeping of wine doth differ much; in France, a tunne of two pipes, three puncheons, and foure hogheads, is euery one of theſe ſix Ames of Antuerps meaſure.

In Germanie they call it a Fother, or the carriage of the drawing of two horſes, is called a *Voeder wyns*, and they account 2 $\frac{1}{2}$ Rodds for a fother of wine, or tenne French hogſheads, euery hogſhead being an Ame of wine meaſure of Dort, wherby they meaſure and account their wines, namely, the Reniſh-wines comming out of Germany, whereof the Staple is kept at Dort aforeſaid. An Ame is 100 gallons or ſtoopen, and euery Gallon is ten Schreaues, meaſuring thereby by the great.

¶ *Of the correſpondence of Wine Meaſures.*

THe correſpondence of Wine Meaſure is taken vpon the veſſell of 6 Ames Meaſure of Antuerp, containing 300 Stoops, euery Stoop weighing 6 pound called a Stone, which 6 Ames make in

FRANCE.

FRANCE.

At Paris and Orleans——— Foure Hogſheads, lacking ten Stoops, euery Hogſhead 312 Stoops; and at Paris 36 Sextiers, euery Sextier foure quarts, euery quart two pintes, is 288 pints or graines imitated as before, euery pinte is two Choppins or Obles.

Bourdeaux $4\frac{1}{2}$ Hogſheads

Lisborne $5\frac{1}{2}$ Hogſheads.

Auxere in Burgondy 3 Puncheons.

Poictou 2 Pipes $\frac{1}{4}$.

Coniac 2 Pipes, or foure Hogſheads.

Ay and Artois $4\frac{2}{3}$ Hogſheads.

ENGLAND.

London 252 gallons, the gallon is halfe a buſhell of Corne, and the *Chus* meaſure of the Grecians. So an Ame is 42 gallons of wine.

SPAINE.

Romani———
Seres or Sherry.
Canarie——— Two Pipes of 150 Stoops, or 1 Butt and $\frac{9}{20}$ euery Butt, is at Antuerp 158 Stoops. They meaſure by the Rooue of 30 ℔, is 5 Stoops of Antuerp, and euery Butt containeth thirtie Rooues, and the Pipes containe 30 Rooues of 28 ℔ weight.

Condado is 2 Butts.

Madera 2 Pipes lacking 16 Stoops.

Seuill $56\frac{1}{4}$ Rooues of Romani. A rooue is eight Somer, euery Somer foure Quartils, euery Quartill is $\frac{1}{6}$ of a Stoop of Antuerp.

They deliuer 27 and 28 Rooues in a Pipe.

But Oyle meaſure by 40 and 41 Rooues in the Pipe.

Anſoy or Baſtard, 2 Pipes 16 Stoops for the ſaid 6 Ames.

PORTVGALL.

Lisborne. $37\frac{1}{2}$ Almudas of $1\frac{1}{2}$ Rooues of Seuill. Euery Almudas is 12 Couados, or Somer, at Seuill. Couado is 4 quarts.

Oyle Meaſure by Alqueri or Cantar, euery Alqueri ſix Couados, euery Cantar foure Stoops of Antuerp.

Algarue 34 Starre.

ITALIE.

Florence $16\frac{2}{3}$ Barrells of 20 Fiaſchi, or 18 Stoop of Antuerp, the three Barrels is one Star, and Star is 54 Stoops Antuerp.

Rome $7\frac{1}{7}$ Brenten, euery Brent 96 Pockall or $13\frac{1}{2}$ Rubes or ſtones of 10 ℔ of 30 ounces in one Brent, or 42 ſtoops of Antuerp for Hony, the pound is 44 ounces.

Candia 80 Moſtaches, in Butt of 34 and 35 Moſtaches of $3\frac{1}{4}$ Stope.

Bolognia 13 Corbes

Padua $1\frac{1}{25}$ Cara. The Oyle is by Millier of 1185 ℔, is at Antuerp 1100, maketh 152 Stopes in one Butt.

Venice

Venice 80 Moſtati, the 38 make one Butt, and 76 an Amphora, 16 $\frac{4}{5}$ Quarti Beſonts meaſure the foure one Bigontz Bigonts, is a French Hogſhead, one quart, eighteene Stopes of Antuerp. 15 $\frac{2}{5}$ Quarti meaſure, Secchio, or ſmall meaſure of foure Tiſchaufer,

Amphora. { 4 Bigonts, or Bigontines. / 16 Quarti Bigots meaſure. / 18 $\frac{1}{2}$ Quarti Secchio.

Lagel, is a Puncheon, Amphora is two Ames, for Oyle they meaſure by Amphora alſo, and for Hony, but moſt by Milliar of 1210 ℔.

Verona { 1 $\frac{1}{2}$ Cara. / 14 Brentes, euery Brent 16 Baſſes. / Oyle by Milliar, of 1738 ℔, is Brenten 8, and 11 Baſſes.

Ferrara, 12 Naſtelli, of 8 Seccheio.
Vicenza, 1 $\frac{1}{26}$ Cara, the oyle by the Milliar of Venice.
Treuiſo, 11 Conſi, the 10 one Cara.

Corfu, Zante { 37 Zare, or Sare.

Iſtria, 15 Venas, Prian 12 Vrna, Tunes 60 Matali of 32 Rotules.
Tripoli in Barbary, 45 Metares of 42 Rotules.
Conſtantinopolis 180 Almes.
96 $\frac{1}{2}$ Almes of Oyle, is at Venice a Milliar.
Calabria 8 Salmes.
Puglia 8 Salmes are French Barrels, Oyle alſo 8 Salmes, euery Salme, 10 Star, euery Star 32 Pignatoli.

Of the Correſpondence of Beere Meaſures.

THe Barrell of Beere is made according to the Ame of Antuerp, and againſt ſpilling, accounted 54 Stoops in Flanders and Brabant.

The Barrell of Beere in Holland containeth 54 Stoops at Amſterdam 56 $\frac{1}{2}$ Stoops, accounting 60 Stoops for 64 Flemiſh.

At London the Barrell of Beere thirtie ſix gallons beere meaſure, is fortie eight gallons wine meaſure. Euery gallon of Beere is juſt two Stoops in Flanders, and at Amſterdam 1 $\frac{1}{2}$ Stoops,

The Barrell of Lubicke, is juſt 50 Stoops of Antuerp.

The Fatt of Danſicke containeth 180 Stoops, of Danſicke is Antuerp 81.

Old Meaſures *of the Romanes.*

THe Latines and ancient Romanes had *Doleum* which was 1 $\frac{1}{2}$, *Culeus* which was 2010 ℔ weight of Antuerp.

Culeus did containe 20 *Amphora* being *Amphora* 80 ℔ *Menſurales*, and *Ponderales* 69 ℔, maketh the *Culeus* 1380 ℔ of Antuerpe.

Amphora (is yet almoſt in vſe in all Italy and Germanie) was alſo called *Cadus*. *Quadrantal* being a Tubb portable betweene *Tu* of a great foot *Cubice*, alſo *Ciraminium vini* is as at London the Buſhell of corne of eight gallons of Wine, weighed 60 ℔ of Antuerpe. *Vina* is $\frac{1}{2}$ *Amphora quod vrinet* was a leaking bucket, alſo a tankard wherewith water is carried at London. Three Vrnas was 16 Stoopes or a Seſtier weighing 34 $\frac{1}{2}$ ℔.

Congius was a bottell of farewell, of 1 $\frac{1}{2}$ ſtoope, or an Engliſh gallon, maketh at Meyſen

Meyſen 3 pots, weigheth 8 ¼. *Camſaces* is the ſame. *Sextarius* is ⅙ of *Congeus*, or about one pinte of Antuerp.

There was *Sextarius Caſtrenſis* of double the meaſure, which was vſed in the wars to euery ſouldier one dayly, weighing 23 ½ ounces.

Hemina is at Antuerp and Meſſeyn halfe a pint, called alſo *Allabaſtrum*. *Triblium* an oile glaſſe weighed 11 ½ ounces.

Acetabulum was a goblet to bring vineger to the table, of 3 ounces.

Cyatus, in Germany *Bacherline*, is 4 ſpoone-full, or a ſmall Romerken weighing two ounces, is the bigneſſe of the egge of a hen.

Culeus is
- 20 Amphores.
- 40 Vrna's of 4 Congios.
- 160 Congios of 6 Sextarios.
- 960 Sextarios.
- 1920 Heminas.
- 3840 Quartas.
- 7680 Acetabula.
- 11520 Clatos or Ciatos.

¶ *Meaſures of the Grecians.*

Metrice, à metiendo, called *Artaba* by the Egyptians, is 16 ½ ſtoop, or a Seſtier, and weighes 100 ℔ at Antuerp.

Chus is *Congius Romanorum*, about 1 ⅓ ſtoop, a drinke of farewell which they dranke one to another, weighed 8 ¼ ℔.

Cotila is *Romanorum Hemina* (the Spartans in their feaſts gaue no more to euery one) is halfe a pint. The King had 2 weight, 11 ⅓ ounces.

Quartanius is ¼ of a pint, weighing 5 ⅚ ounces.

Oxibaphum is as *Acetabulum* of 3 ¼ ounces, or 1 ½ *Ciatos*.

Metreta Laconica was leſſe, as *Amphora* of the Romans of 96 *Cotila's*.

Modios or *Medimios* is 8 ſtoops of Antuerp.

Metretes is 12 *Chus*, or 144 *Cotila's*, or 576 *Oxibapha* of 1 ½ *Ciatos*.

Bats or *Bathis* is ½ *Metretes*, or 6 *Hina's* euery *Hina* 8 ⅓ ℔.

Logni is 5 Egges of ⅔ ℔. There were three ſorts of Egges vſed.

¶ *Meaſures vſed by Phyſitians.*

Metretes is
- 72 Sextarios of 4 quartas.
- 288 Quartario's, or
- 12 Choas of 6 Sextar.
- 72 Sextarios of 2 Cotilas.
- 144 Cotilas.
- 288 Quartas.
- 576 Oxibapha.
- 864 Ciatos.

Ciatos is 1 ½ ounces.
- 10 Dragma.
- 4 ſmall Miſtra.
- 3 great Miſtra.
- 2 ſmal Conchas
- ⅔ great Conchas.
- 5 Chemas.
- 10 Cochlearia or ſpoonfull.

¶ *Meaſures of Arabia.*

Dorath is Albi, Romans Amphora, Iohem is *Congius Romanorum*.

Dorath is { 8 Iohem. / 48 Kift. / 96 Corbin. / 192 Keliath. / 384 Caſſich. / 376 Cuatum. / 2304 Salgerin.

Cophinus 3 ſtoop.
Mares or Pontes 1 ſtoop.
Dadix 4 ſtoops, meaſures of Boetia.

Artaba meaſure of Egypt is 72 Sextario's of 72 Nations known (then in the world) to be; *Collatum* is 6 ſtoops, *Chenix* a ſtoop, *Hidria* is 9 ſtoops, *Phiala* or *Briala* is a gilt Cup.

¶ *Of the correſpondence of the meaſures of Corne.*

THe differences of the Corne meaſures are very neceſſary to be known of all merchants and maſters of ſhip, letting thereupon their ſhippes to freight; the Laſt (which is two Tunnes lading) being the ground-worke of it) vſed in all the harbours of the ſea coaſts diuerſly. Foure and twenty ſmall barrels are accounted for a Laſt, as Herring barrels, being 18 Beere barrels, or 18 Ames of Antuerpe, which are 3 Tuns of wine; and yet we reckon two tuns of wine for a Laſt, for two tuns of wine weigh the weight of a Laſt of corne, that is to ſay, one hogſhead 500 ℔, the two tunnes 4000 ℔ accordingly, and 12 hogſheads of corne weighing 350 ℔ the hogſhead, beſides the Caske, is 4200 ℔, But the corne is laden looſe, and filleth the room full. One pound of wheat containeth about 9000 graines of wheat; and the Laſt of 4300 ℔ is ſo many nine thouſand graines in a Laſt. The corne meaſure moſt known is in Latine *Modius*, a meaſure; in Germany a *Molder*, in the Low-countries a *Mudde*, in France *Muy*; and the Laſt differing in ſo many places, it is not amiſſe to account the weight of a Laſt of wheat from 4200 to 4800 ℔, the Laſt of Rie from 4000 to 4200 ℔, the Laſt of Barley from 3000 to 3400 ℔. Oats are yet lighter, which is the cauſe that the oats meaſure is made bigger to counteruaile the weight. Wee ſhall take our correſpondence vpon the Laſt of Amſterdam, beſt known euery where, and where alſo all grains are meaſured alike. The Laſt of Amſterdam is 27 Moyes or Mudden, euery mudde 4 Schepels, is 108 ſchepels to the Laſt: or a laſt is 29 ſacks, euery ſack 3 Achtelings, 24 ſmall Tunnes to a laſt as aforeſaid, or 20 ½ meale barrels, that is to ſay, one Laſt of meale is put into 20 ½ barrels, becauſe it becommeth more depreſſed than Corne, or 15 ½ great barrels, which do containe more.

It is alſo to be obſerued, that the difference of Corne meaſure is of 6 vpon 7, alſo 3 to 4, and 2 to 3, and in ſome places one will make two. And in many townes vpon the ſea coaſt they vſe two ſorts of meaſures, the one called the water meaſure, wherby the corne is meaſured on ſhipboord (being alwaies the biggeſt) the other is called land meaſure, becauſe the corne is meaſured thereby in all markets, ſhops, or places where Corne is ſould.

¶ *The Laſt of Corne of Amſterdam is at the following places.*

DAnſick, 56 Schepels, whereof 60 there make a Laſt, the foure ſchepels make one Mudde, which is the skippound of 340 ℔.
Embden 55 Werps, whereof 61 make the Laſt, or 15 ½ barrels of 4 Werps.
Hamborough 83 ſchepels, whereof 90 make a Laſt.
Lubeck 85 ſchepels, whereof 96 make the Laſt.
Fameren 78 ſchepels, whereof 96 to the Laſt.
Heyleger hauen in Denmarke 80 ſchepels, alſo 96 to the Laſt.
Coppen hauen 23 ſmall barrels, whereof 42 make a Laſt.
Ebbeltorff Danic 23 barrels, whereof 36 to the Laſt.
Nelleboghe 23 barrels, whereof 42 to the Laſt.
Sweden 23 barrels.
Connixborough 6/7 of a Laſt, the 6 Laſt are 7 at Amſterdam.

Melvyn

Melvyn, $\frac{17}{21}$ of a Laſt.
Statyn in Pomerland $\frac{6}{7}$ of a Laſt.
Riga 42 Loops, Roſticke and Mecheborough meaſure of Lubecke.
Antuerp 37 $\frac{1}{2}$ Vertules.
Bruxels 10 $\frac{1}{2}$ Vertules.
Bruxels 10 $\frac{1}{2}$ Mudden, and differing in all places of Brabant.
Gaunt 4 Mudds, 7 Halſters of 12 to one Mudd is 55 Halſters.
Bridges 17 $\frac{1}{2}$ Hoot. Dunkirk 18 Raſiers water meaſure.
Middleborough 40 ſacks is 41 $\frac{1}{2}$ to the Laſt in all Zeeland.
Dort 28 ſackes.
Roterdam and Delfe 87 Achtelinges.
Schoonhauen 88 Achtelinges.
Enckhuyſen, Horne, Medenblick, 42 ſacks.
Groeninghen 33 Mudds. Texel 58 loops.

All other Townes not ſcituate vpon the ſea coaſt wee doe omit, for this correſpondence is made conſidering the lading of ſhips.

London and all England is 10 $\frac{1}{4}$ quarters make one Laſt; but in the ordinary lading 5 quarters are accounted for one tunne lading.
Calais 18 Raſiers doth agree with England.
Roan 20 vntill 30 Mines, euery Mine is 4 buſhels.
Rochel 128 buſhels, 4 to euery ſeſtier.
Bourdeaux 38 Boiſſiaux, whereof 33 to the Laſt.
Sevil 54 Hanegas, a Laſt is 4 Cahis of 12 Hanegas.
Lyxborn 225 Alquiers, whereof 240 to the Laſt, or 4 Moyo's of 60 Alquiers to the Moyo, and ſo in all the Iſlands of Portugal.
Venice 32 ſtar. Genoa 23 $\frac{1}{2}$ Mina. Sicilia 38 Medimnos of 6 Moyos.
Puglia 32 Cara of 36 Timani.
Cyprus 40 Medimnos of 2 Cipros.

Note that the Corne doth ſo much differ in goodneſſe, that the meaſure of Amſterdam will weigh of Eaſtland Wheat 156 ℔, of French Wheat 180 ℔, of Sicilia wheat 224 ℔, and of Africa 236 ℔.

¶ *Of the Meaſures of* Salt, *correſpondence and goodneſſe of the ſame.*

THe heauier the ſalt is, ſo much the better; therefore old ſalt which hath lien long, and is ſetled, is the better, and will more encreaſe to make ſalt vpon ſalt, in yeelding more naturally; inſomuch that in the boiling of it you muſt obſerue the winde, which is good at the North, but contrarie in the South. Salt wil loſe the firſt yeare betweene 8 and 10 in the hundreth, and afterwards but little: but for the ſalt-boiler he loſeth nothing, it is ſo much the heauier and better. Therefore in Eaſtland, at Riga and other places they ſell their ſalt by weight, 12 skippound for one laſt, and in ſome places 15 and 16 skippound: wherefore if you haue new ſalt deliuer it by the meaſure, and if old ſalt then deliuer by weight.

In the boiling or roſting of your ſalt, ſo called, it well augment or increaſe in meaſure according to the weight. New Spaniſh ſalt from 100 to 135, 140 and more. And old ſalt of 4 yeares lying made 100 to 200. This ſalt is boiled by degrees, and is rough in the handling of it; for it is not driuen vp with a light fire, wherby it becommeth wateriſh and weake, not ſtrong enough to ſalt fleſh withall. Profitable obſeruations about Salt.

The ſalt of Portugal and Bruwage increaſeth 25 and 30 according to the goodnes: the white ſalt being weake and of great graines will loſe much in the remouing, and more in the carriage by 8 and 10 p cent.

To ſalt fleſh withall take of the ſlow boiled or roſted ſalt, but make firſt his brine, otherwiſe it will be too weake.

One great hundred of ſalt is foure ſmall hundreths.

We are to obſerue the correſpondence of ſalt againſt one hundred of Zeland, moſt

knowne in all places: they measure their salt with barrels, 18 barrels to a last, and 7 last to the hundreth, is 126 barrels.

At Armuyden in Zeland they reckon 8 $\frac{2}{3}$ weighes for one hundreth, euery weigh is 11 $\frac{1}{2}$ sacks, euery sack foure measures, and 15 weighes of Bruwage salt make the great hundreth.

The sacks of salt of Armuyden, being 122 smal barrels for the 100 sack, make as followeth in other places.

Bruwage $\frac{4}{7}$ parts of one hundred of 28 Moyos, and 12 sackes to the Moyo, also by Charges or load; ten load in the hundreth, and 48 Moyos or Muys to the Last, or 21 barrell.

Lisborn 25 Moyos, Mary port 28 Moyos.

Saintubal 20 Cays. Calis 22 Cays.

Sanlucar 21 Cays.

Gaunt 108 sacks or barrels.

Antuerp 144 Vertels of 24 to the last, and six last to the hundreth; and the white salt is measured with a lesser measure of 12 vpon 100.

The said 100 sacks of salt of Armuyden in Zeland, make

At Dunkerk 92 water measures, or 104 land measures.

Ostend 98 measures, Damme and Axels 102 measures.

Bruges 104 measures, and Ypre 144.

Roterdam 100, whereof six make one Mudde of eighteen to the hundreth.

Amsterdam, Vtrecht, Deventer, 102 scheppels.

Calis in France 130 Barrels, 19 to the Last, but 20 by fraighting.

Roan, and almost all France 16 $\frac{1}{2}$ Muys.

Hamborch 7 Last, whereof 80 Barrels maketh the hundreth.

Denmarke 6 $\frac{2}{3}$ Last.

Sweden 112 tunnes or barrels, 16 to the last.

Embden 100 Barrels, 14 to our last. Lubeck 7 lasts of 18 barrels.

London 7 $\frac{1}{2}$ lasts of 18 Herring barrels; but by weights 11 $\frac{1}{2}$.

Venice and Prian 70 Mose.

¶ *The Measures of Woad, Hops, and Sea-cole.*

WOad of Tholouze in France, made vp in baskets of 56 ℔ weight, is at Antuerp 50 ℔, London 52 ℔. Foure Baskets are one load and foure Bales, or 400 ℔ is reckoned for a Diers triall, and at London they take foure Quintals of 112 ℔ for a Triall, to know how many short Clothes of 24 yards it will die, which is commonly of Islands Woad from saint *Michael* 7 Clothes: and at Thouloze they account that Woad of 36 Franks, or about 4 ℔ sterling, dieth 13 Clothes.

Cane in France they measure by a Tub, containing 8 measures or sacks, euery measure 120 ℔, is the Coope at Antuerp 1050 ℔, accounted for a Trial, but is far inferior in goodnesse to Thouloze Woad.

Eldfoord in Germany, there one great Dryfat of 1200 ℔ is a Triall.

Hops were wont to be sould by the measure, but now it is done by Weight, namely the hundreth, or by a skippound of Amsterdam of 300 ℔, which comming much into England from the following places, is worthy the obseruation, albeit English Hops are the best.

The skippound of 300 ℔ of Amsterdam is

- Bruges 13 Hoett, but now measured.
- Gaunt 23 Halsters.
- Delft 40 Achtelings.
- Schoonhoven 37 Achtelings.
- Vtrecht 13 Muddes.
- Bolduc or Hertogenbosh, 8 Hoet.
- Harlem 2 Hoet.
- Hambrough 1 $\frac{1}{2}$ Wispell.

¶ *The*

¶ *The Measure of Sea Cole.*

THis measure must of neceſſitie be taken vpon the Chalder of New-Caſtle, where the greateſt quantitie of Coles is found. They measure there by the Chalder filled vp, whereof 7 ½ Chalders make one Laſt, and is measured with giuing 21 for 20. The correſpondence is,

The Laſt of New-Caſtle of 7 ½ Chalders, is —

- London and Yarmouth 10 Chalders.
- Roan 100 Barrels, giuing 104 for 100.
- Bruges and Oſtend 100 measures for Oats.
- Dort 12 Hoet, alſo by weighes of 144 ℔ of 24 ſtones of 6 ℔.
- Gaunt 144 ſacks, or 24 Muddes.
- Alſt 200 Muddes.
- Antuerp 175 Vertels.
- Condet 44 Muys, the 80 make a Cherke.
- Zeland 68 Herring Barrels.
- Middleborough by Weigh of 180 ℔.
- Amſterdam 13 ½ Hoet of 38 measures.

¶ *Rules to know the goodneſſe of Sea Coles.*

1 TAke your Cole and hold the ſame ouer a candle, or rather ouer a flaming fire, and if the Cole do melt (as it were) drop or fry, then it is vndoubtedly a good cole; for this is an argument of his fatty and ſulphurious nature, which miniſtreth ſtore of food for fire. But if the ſame grow hard and dry ouer the flame, it is a ſigne of a lean and hungry Cole, and ſuch as will not cake or knit in the burning.

2 The brightneſſe and gliſtering of the Cole both within and without is ſome argument of his goodneſſe; albeit that ſome kinde of bad ſea Cole, newly digged out of the Mine, and brought dry in ſummer time, wil both ſhew and breake faire, but moſt commonly if it breaketh in the colour or luſtre of pitch it proueth a good Cole to the buyer. But without all queſtion, if the ſame be of a darke, dusky and dead earthly colour, it is vtterly vnprofitable for him that ſhall ſpend it.

3 The beſt and moſt aſſured proofe, except the making of a fire with them (wherin no man of any ſence can eaſily be deceiued) is the lightneſſe of the coles in weight. This weight, as in many other bodies, ſo eſpecially in Water, doth either argue his pureneſſe or impuritie. For the lighter and cleerer waters are euer held the better and more wholſome, as leaſt participating with earth. Now by the weight of half a pecke of the good ones kept by you, triall may be made at all times; for bad Cole is much diſpleaſing to all men.

¶ *Of the Weights and Meaſures of England.*

COncerning Weights, for difference in the Ounces and pounds we are to obſerue the Troy weight, which hath but twelue ounces to the pound, and Avoirdupois weight, which hath 16 ounces to the pound, which are leſſer ounces; for theſe ſixeteen ounces make but 14 ounces and one halfe, and two penny weight of the ounces Troy vſed in the Mint, where 136 ℔ Avoirdupois ſuttle weight, is but 100 ℔ ſuttle Troy weight: ſo accounted in the laſt copper monies of pence and halfe pence made for Ireland. Troy weight.

The Troy weight ſerueth onely for Bread, Gold, ſiluer, and Electuaries, accounted 8 pound to the gallon, and ſo by computation 16 pound to the pecke, 32 ℔ to the half buſhell, and 64 pound to the Buſhell.

The Averdupois weight ſerues to weigh butter, cheeſe, fleſh, tallow, and wax, & euery other thing which beareth the name of Garbell, and whereof iſſues a refuſe or waſt. So 7 ℔ of this weight to the gallon for wheat, is 14 ℔ the peck, 28 ℔ the half buſhel, and 56 ℔ the buſhell. Avoirdupois weight.

The 7 ℔ Avoirdupois weight are one hundreth and two ounces Troy weight. According to which rate the quarter of wheat muſt weigh 448 ℔ Avoirdupois, and 14 ℔ Avoirdupois, and 16 ℔ 11 ounces Troy do iuſtly accord, or 56 ℔ Avoirdupois & 67 ℔ 8 ounces Correſpondence of the ſaid weights.

8 ounces Troy. Where note, that one penny ſterling is the twentieth part of an ounce Troy, the halfpenny and farthing accordingly. And that 7 ℔ 12 s. ſterling is 84 ounces and one halfe, and two penny weight of Troy. And 6 ℔ 18 s. ſterling is 82 Ounces three quarters of an ounce and one penny Troy. From the which two Aſſiſes the white wheaten and houſhold breads are calculated and drawne.

The meaſure drawne from the Troy weight.

For the wet meaſure is alſo drawne from the pound weight Troy, both by land and within ſhip-boord; as alſo all manner of corne and grain, that is to ſay, The weight of twelue ounces Troy in wheat doe make a concaue or hollow meaſure named a Pinte, and eight of the ſame pintes make a gallon of Wine, Ale, Beere, and Corne; according to the ſtandard of his Majeſties Exchequer, and the Acts of Parliament, 11 and 12 *H.*7. But for the Water meaſure within ſhip-boord there is allowed ten gallons to the buſhell, which contain fiue pecks.

The content of Caske.

From this Troy weight and meaſure is drawne alſo the Aſſize for the quantitie and true content of all manner of Caske lawfull and vendible within the Realme of England; that is to ſay; euery Hogſhead to containe threeſcore and three gallons; euerie Tierce foureſcore and foure Gallons; euerie Pipe 126 Gallons, and euery Tunne 252 Gallons.

Salmon, Herring, Eeles, Sope meaſure.

There is alſo a meaſure called Salmon Butt, of 84 Gallons: ſo the barrel of Salmon 42 Gallons, the halfe 21. The Herring Barrell is 32 Gallons, and the Eeele Barrel 42 Gallons; and the halfe and Firkin of both theſe muſt hold accordingly; the Sope barrell 32 Gallons.

The weight of Cheeſe and butter.

There is alſo the true weight of Cheeſe and Butter, called the Weigh, which is 112 ℔ Avoirdupois to the hundreth: ſo the two hundreth is 224 ℔, containing 32 Cloves, and euery Clove 7 ℔. So the weigh of Suffolke Cheeſe is 256 ℔ Avoirdupois weight: but the weigh of Eſſex Cheeſe is 336 ℔.

The ſacke of Wooll. A Laſt of Herring.

The Sacke of Wooll is 364 ℔ weight of Avoirdupois, two Weighes of Wooll make a ſacke, and twelue ſackes make a Laſt. But a Laſt of Herrings containeth ten thouſand, and euery thouſand containe ten hundreth.

Load of lead.

The Load of Lead is 175 pounds; the Fother maketh nineteen hundreth & a halfe.

¶ *Concerning* MEASVRES.

Yard.

THere is a yard deriued from the Graines of Barley. Three Barley Cornes in length make an inch, and twelue inches one foot, and three foot to the yard, and 16½ foot make a Pole or Pearch to meaſure land withall. Albeit this Pearch doth vary in ſome places, being 18 and 21 foot. Of theſe Pearches 40 in length and foure in bredth make an acre of land or wood. Whereupon *Pliny*, *lib.*2. *cap.*23. deriueth *Stadium* to be a furlong, which containeth 125 Paces, euery Pace fiue Foot, the Foot is to contain foure Palmes, and euery Palme foure fingers bredth.

Pearches.

Acre of land.

Furlong.

¶ *The bredth of Silke Cypres bending and Curled.*

Bredth of Cypers.

N° 6 is three Nailes broad, n° 8 is 3½ Nailes, and n° 10 is ¼ of a yard broad, n° 12 is 5/16 of a yard, n° 14 is ⅜ of a yard, n° 16 is 7/16 of a yard, n° 18 is ½ a yard broad. Note, in all plaine Cypers they abate ten vpon the hundreth, and ſo bring them from braces to Flemiſh Els, and in the curld they abate 25 p cent. and in bending 16 in the hundred.

Of ſilk wares.

Genes ſilke by the paune of 104 to the hundreth, is ¼ 26 yards Engliſh.
Bolonia ſilkes by Braces the 100 are 89 Flemiſh Ells.
Florence ſilke by Braces the hundreth 81 ⅔ Flemiſh, and 61 ¼ Engliſh.
Luca by Braces the ⅚ part of a Flemiſh Elle, or ⅝ of a yard Engliſh.
Venice by Braces the 100 are 95 Flemiſh, and 71 ¼ yards ſo Noremborgh.
Sevill by Varres the 100 is 123 ½ Flemiſh, and 92 ⅝ yards 74 Elles.
Roan by Elles the 100 is 125 yards, and 157 ½ Varres of Spaine. And the 110 Ells Engliſh is 135 ½ Varres of Spaine.

The

The 100 Ells Flemiſh is but 60 Ells Engliſh.

There are 8 buſhels to a quarter, 5 quarters to a tunne lading, and 10 quarters to a Laſt, but alwaies $10\frac{1}{4}$ or $10\frac{1}{2}$ for a Laſt of Holland. Corne meaſure as before.

Salt 40 buſhels make a weigh, water meaſure of 10 gallons. Salt.

At Plymouth they meaſure with a buſhell alien meaſure, whereof 24 make a tunne, and 8 make a quarter, ſo three quarters make one tunne, and euery buſhell is 18 Gallons: ſo that a tunne of ſalt at Plimouth is bigger than a Weigh of London by 32 Gallons.

¶ *The Meaſures of* Lands.

THe meaſuring of lands in diſtance or length extending to miles, or the partition of lands by meaſures, Acres, Arpentiers, Bunderen, &c. is done by a meaſure or Rod, which is diuided in 10, 12, 14, $16\frac{1}{2}$, or 20 foot; and the foot is diuided in a certaine number of inches, 10, 12, or 16, which are alſo differing in bigneſſe.

Digitus or finger is in bredth foure barley cornes layd cloſe together.

A Thumbe or inch is 6 graines or barley cornes, making two of them three.

Ouncia is 3 fingers or two thumbes.

Palma (in Greeke *Doron*) is 4 fingers, is the 24 part of a mans ſtature.

Lichas or *Dichas* is a ſpan of a hand with the thumbe and fore finger, or ten fingers; ſometimes taken for two palmes, which is 8 fingers.

Orthodoron in Greeke is the length of a mans hand, or 11 fingers.

Spithama, or ſpan with the thumbe and the little finger, is 16 *Digiti* or fingers; alſo *Greciaries* 12 fingers, is 3 Palma, in Latine *Dodrans*.

Pes a Foot is 16 fingers or 4 palmes, or the $\frac{1}{6}$ of a proportionated mans ſtature.

Pigme is 18 fingers, ſo a Pigme is a tall fellow.

Pigori is 20 fingers, called *Cubitus*, from the elbow to the fingers doubled.

Cubitus is 24 Fingers or 6 palmes, $\frac{1}{4}$ of a mans ſtature, or *Seſquipes* $1\frac{1}{2}$ foot, or two *Dodrantes*, from the elbow to the point of the longeſt finger.

Gradus a ſtep is two foot, or 32 Fingers, as betweene both feet diſtant.

Paſſus ſimplex is $2\frac{1}{2}$ Foot, halfe a remoue of the body.

Paſſus is a pace with two legs making from the heele to the toe 5 foot.

Orgia or a fathom, is 6 foot, in Latine *Vlna* or 4 *Cubicos*.

Stadium is *Aulus* of 125 paces of $2\frac{1}{2}$ foot, is 312 foot. Greece 100 paces was the running of one man with one breath, as *Hercules* did.

Diaulus is 2 *Stadia Hippicon*, 4 *Stadia* the running of a horſe.

Dolicos is 12 ſtadia, about the 6 part of a Dutch mile.

Signes, or *Scena*, or *Funiculus* in Egypt, is 60 ſtadia, is an houres going, and euery man did draw the line going vp by boat.

Stadmos was a Poſts journey.

Miliare vel Leuca are diuers; but a Flemiſh mile is 1400 Rods.

Gradus Geometrorum, wherewith the world is meaſured round about, is 15 miles; ſo the world is 360 *Gradus*, *in toto* 5400 miles, or at 4 miles for one Geometrical mile, is 21600 miles.

The moſt commodious meaſure and more vſuall is the Rod of 14 foot, rather than our Pearch of $16\frac{1}{2}$ foot; and an hundred of theſe Rods are called a line of land, and three line make a great meaſure of land, ſo called by the name of meaſure, whereupon we now proceed.

A Line of land lying one foot broad the length of a mile, and a plough going one foot broad may be accounted to go a mile, the land ſquare 100 foot for the Road, and the Line of land one Road broad is 10600 foot.

A line ſquare is 10000 Roads, or $33\frac{1}{3}$ Meaſures as aforeſaid.

For a meaſure is 300 Roads, and ſquare $17\frac{1}{2}$ Roads, containing 58800 foot.

This Road is called in Germany Pertica, making there 15 foot, and in Flanders accounting 1400 Roads for a mile, is 10600 foot in length.

Away

A way one Rod broad is called a highway for paſſengers pedanticall.

A mile in length containeth 4 $\frac{2}{3}$ meaſures of land: the way of a waggon is accounted 9 $\frac{1}{3}$ meaſures.

Some in Flanders do reckon 1000 Rods for a mile, but is of 20 foot the Rod.

Miliare was the diſtance or marching of a campe without baiting, called *Raſtrum* or *Raſtas*, was 4000 paces.

The difference betweene miles is not to be reconciled, euery country hauing their owne computation, and that differing in moſt places within themſelues.

In Saxony a mile is 4000 paces, in other places in Germany 5000 paces.

In France they call them *Lieux* or *Leucas*, and in a Parliament there it was appointed to be 1000 turnings of the wheeles of a waggon, whereof the formoſt made wheel was 12, and the hindmoſt 18 foot, which between was adiudged vpon 15 foot, is of a Dutch mile but $\frac{3}{4}$.

In Spaine one Dutch mile maketh a mile and a halfe.

In England 4 of their miles to one Dutch mile, being there 1000 paces.

In Italy 1000 paces, whereof the 3 is a Dutch mile.

Florence 3000 Braces for a mile of 6 Roads, is 1300 Roads.

Holland 2000 Roads is 5 Holland miles for 4 Flanders miles.

In Egypt their *Cubitus Geometricus* is 6 of our Cubits, they reckon by *Scena*, which is a Spaniſh mile.

Perſia *Paraſangia* of 30 *Stadia* or *Funiculi*, they meaſure with 24 fingers the Cubit, and *Cubicus Regius* is 27 fingers.

The Romans did vſe the Finger, Palme, and the Foot making 4 palmes.

In the meaſuring of lands and wayes diuers meaſures were by the ſaid Romans diuided into 12 ounces, and the ounce in 24 ſcruples, and ſo they called a foot a pound, and two foot *Dupondium*.

The Emperours tables were 4 foot ſquare euery way, yet in vſe in Germany and in the Eaſt countries, but in England, France, & the Low-countries are longer than broad is to ſit 16 perſons euery where.

Iugerum is vſed as a meaſure in Caſtilia and about Rome, beeing an old meaſure. *Iuger quaſi junctus* beeing one daies labour of two oxen at the plough, *vno jugo Bovum*, was the ſpace of 240 foot, broad 220, containing 28800, which is correſpondent to one halfe great meaſure of land, wherein they did alſo vſe many diuiſions and ſubdiuiſions according to the pound weight.

¶ *Of the nature and diuerſitie of* Colours.

ALbeit that Colours are not comprehended in themſelues vnder weight & meaſure, yet becauſe the quantitie of ſtuffe whereby things are died, are done by weight, as you may note in the precedent obſeruation of Woad; and for that Merchants may giue the better judgement of Colours, knowing the nature thereof, I haue thought good for varieties ſake to entreat thereof.

The nature of all colours is confined betweene White and Blacke, and the original colours proceeding and relating to the middle of them, which is Green, for ſo experience hath taught vs in progreſſe of time by long obſeruation, wherein by Art I haue found the truth by variation without the myſterie of dying, more certain than *Ariſtotle* and other Philoſophers by reaſon haue conceiued, according to the Theorick part by them deſcribed, which by the Practique part I am aſſured of by experience as aforeſaid.

The original or primary colours are 7, as compleat in number, and all other colours are mixt and deriued from them, according to the order following:

Albus, White } eaſily conuerted by decay of Nature.
Flauus, Yellow }
Puniceus, light Red, is neither Blew nor Purple.
Viridis, Greene, apt to be made into Blew.

Purpureus,

Purpureus, Purple } eaſily turned to Blacke.
Cæruleus, Blew }

Niger, Blacke, the true ground whereof is Blew.

All colours are light or obſcure, *Lucida vel Opaca*, and they all (except Blacke) may be called light, as more or leſſe partaking thereof.

In White is moſt light, and ſhadow or darknes leaſt or none at all.

In Blew is the contrary, moſt ſhadow and leſſe light.

In Yellow is inward light and leſſe obſcuritie.

In Purple is the contrary, inward obſcuritie and leſſe light.

In Greene, is equalitie of light and darkeneſſe.

In light Red, is more light than obſcuritie.

So that for two much want of obſcuritie commeth whiteneſſe, and for too much want of White or lightneſſe, commeth blackneſſe; and a cloth dyed Yellow being put into the Blew woaded veſſell, maketh an excellent Greene.

There was light and darkeneſſe before the Planet of the Sunne was created, albeit the diſtinction betweene day and night is aſcribed to the Sunne. Now the Moone hath no light, but what the Sunne doth impart vnto her, and the colours of the Raine-bow in the day time, being produced by the foure Elements, do approue theſe colours to be ſo in nature, whereof the Philoſophers haue giuen a reaſon accordingly. But conſidering the curioſity of them, and eſpecially of *Ariſtotle*, it is ſtrange vnto me that they haue not made mention of the colours of the Raine-bow in the night time, when the Moone is at full, and oppoſite to the Sunne, which colours neuertheleſſe take a reflection vpon the cloudes and obſcuritie of the night, far differing from the colour of the Raine-bow in the day time vpon the declination of the Sunne; inſomuch that albeit all colours muſt be diſcerned by light and ſo adjudged accordingly, yet their operation doth differ very much, as may be ſhewed. The propertie of all colours is to be ſubject to the aire and Sunne, and all of them do vaniſh; but in the blacke it is leaſt ſeene, and is alſo the ſureſt, hauing his ground vpon the blew; ſo it be a blew ſubſtantiall of Woad or Indico, which is the extraction of the herbe *Glaſtum*, or *Anill*, in the Eaſt and Weſt Indies like vnto our greene Woad; but the leaues of it are round and not long, howbeit the climate and ground make the maine difference.

There was of late yeares, two great controuerſies at the Councell Table: the one concerning the dying of Blacke-ſilke, called London Dye; the other concerning the vſe of Logwood, being a falſe glorious colour. *Dying of Blacke ſilke.*

Concerning the London dye of Silke it was proued, that one pound of 16 ounces was by ſophiſtications of additements augmented to 32 onnces, and fortie ounces: which fraud comes to paſſe, by reaſon of the gummy matter or ſubſtance whereof the ſilke was not purged for black dye, as it is in colors, wherby it made ſuch an increaſe in weight. To preuent this abuſe, a Corporation of Silke-menwere made; and neuertheleſſe, foraſmuch that a reaſonable increaſe of 8 ounces, doth look fairer, and can be better vſed, there remained a tolleration of this increaſe in London. The way to finde out the fraud was by controlling the weight by meaſure, which by convulſion becommeth contracted: ſo that if the ſilke being purged decreaſeth 16 ounces, to 13 and 12, will moderately haue afterwards ſome increaſe; then this ſilke being meaſured by the yard in Skeanes, and marked with Leads, and ſo deliuered to the Dyar, muſt be receiued accordingly without ſuch contraction and decreaſe of length, by the increaſe of weight, theſe two controlling each other.

The indifferent courſe therfore, is the golden meane; ſo is it done concerning Logwood, being good cheape and fit for dying of a faire color, although vaniſhing, ſeruing for the poore people, wearing courſe ſtuffe, or vſing things of ſmall value: that notwithſtanding that the vſe of it was prohibited, as well as the importation, yet now of late there is a competent quantitie admitted to be vſed by Letters Patent, and Proclamation. *Dying by the helpe of Logwood.*

¶ *A Table of the Standerd, for the true making of Woollen Clothes, according to the Weight and Measure declared by the Statute made in the fourth yeare of his Majesties raigne of Great Brittaine, &c.*

THe Sacke of Wooll appointed by King *Edward* the third, is distinguished according to the Lunare yere of 13 moneths, of 28 daies, making in all 364 ℔, or 365 ℔, for so many daies in the yeare; the Tod of Wooll being 28 ℔, for so many daies in the moneth; and 13 Todds for so many moneths in the yeare; euery Todd containing foure Nayles, and euery Nayle being 7 ℔, for the seuen daies of the weeke.

This Sacke of Wooll is accounted to make 4 Standard Clothes of cleane Wooll, called Sorting-clothes, weighing 60 ℔ the Cloth, and beeing 24 yardes long, of 6½ quarters broad or thereabouts, within the remedy or allowance of 2 ℔ Weight vpon a Cloth.

In the Weight is to be obserued, that the clothes be well scoured, thickned, milled, and fully dried.

In the Measure likewise, that the same be measured by the yeard and inch, within the List, concerning the breadth, according to the said Statue made of all the seuerall sorts of Clothes made in diuers Shires, *viz.*

	Broad.	*Weight, and Measure.*	
Kent, Yor. and Read. clothes of	6½ quarters.	86 ℔	30 and 34 yardes.
Suffolke, Norffolke, and Essex of	7 quarters.	80 ℔	29 32 yardes.
Worcest. Couent. and Heref. of	6½ quar.	78 ℔	30 33 yardes.
Wilts. Gloces. Oxon. Somers. of	7 quarters.	76 ℔	29 32 yardes.
Suffolke sorting Clothes broad	6½ quar.	64 ℔	23 26 yardes.
All sorting Clothes of diuers shires	6½ q.	60 ℔	24 26 yardes.
Broad-Cloth, Tauntons, Bridgewaters and Dundstars	of 7 quar.	30 ℔	12 and 13 yardes.
Broad and narrow of Yorkeshire, of	4 quar.	30 ℔	24 25 yardes.
Deuon. Kerseys and Dozens	of 4 quar.	13 ℔	12 13 yardes.
Check. Kerseys, straict and plain grayes	4 q.	24 ℔	17 18 yardes.
Ordinary Penistone or Forests	5½ quarters.	28 ℔	12 13 yardes.
Sorting Penistones of	6½ quar.	35 ℔	13 14 yardes.
Washers of Lankashire and others		17 ℔	17 18 yardes.
Clogware, Kend. Karpnuales at pleasure,			20 at the lest.

The manner of making of all Woollen Clothes, and workemens orders, with the viewing, searching, and the forfeitures or abatements, may at large be seene by the said Statute: being an Epitome of all former Acts concerning the indraping of Wools, appointing wherein Flockes, Thrums, or Lambs wooll may be put.

¶ *Obseruations concerning the said Weight and Measure of Clothes in generall.*

THat all Substantiall things, either dry or liquid, are by Diuine prouidence subiect and gouerned by Number, Weight, and Measure.

That Weight and Measure doe controle each other, and that number giueth denomination vnto them both, to discerne truth from falshood, as aforesaid.

That the weight of a Cloth is more to be regarded, than the Measure, because the weight containeth substance, which is abused by stretching it in Measure.

That according to the standerd of Clothes, there must be allowed or accounted two pounds and one halfe of Wooll, to make one yard of the abouesaid Clothes.

That the Statute of Clothmaking, hath had a consideration to make an allowance

or

or abatement for Draped, Dreſſed, Rowed, and Sheared Clothes, which is fiue ℔ in a Long-cloth, and foure ℔ in a Broad-Cloth, beſides the remedy of two ℔.

According to this Rule, his Majeſties Cuſtome for Cloth and Carſeys, &c. ought to be payed, equaliſing the ſaid cuſtome of Cloth, with the Cuſtome of Wooll, according to fortie ſhillings the Sacke, payed in the time of Queene *Mary*; which is to be done according to the weight, and not according to the meaſure, as heretofore hath beene partly done. And the weight will cauſe Clothes to be better made, according to the Statute whereunto the reformation muſt be reduced, which will be beneficiall.

¶ *Benefits which will ariſe by the true making of Clothes in England, according to the Statute made in the fourth yeare of his Majeſties raigne of Great Brittaine.*

THe Cloth of the Realme ſhall recouer his former eſtimation, which euery Merchant (weighing his Clothes) will cauſe to be obſerued, according to the ſaid rule and proportion betweene Weight and Meaſure, whereby the ſtretching and falſifying of Cloth will bee controlled and preuented, eſpecially if this demonſtration (here ſet downe) ſhall direct the buyer of Clothes. And the like may be made for Carſeyes and all other Woollen commodities, according to the ſaid Stature.

The Cloth being truely made, will be more vendible beyond the ſeas, where many complaints are daily made of the falſe making thereof; which the Clothier cannot but know, vpon ſo many certificates for Tare as are abated of them to their loſſe: euery Merchant looking more to buy good cheape, than to buy good Cloth, feeding falſe making by it, which commeth to paſſe more by ignorance than otherwiſe.

The Clothier finding the Merchant by theſe meanes able to controll him, will endeauour to make true Cloth, and the officers to ſuruey it will be more carefull, and not ſend the Clothier their Leads and Stampe, and ſo they be payed, neuer looke to take paines to view the Cloth; hereby trafficke will increaſe for the generall good of the Realme, and his Majeſties Cuſtome wil be duely payd, according to the ſaid Statute, and all will tend to the glory of God, and honour of the King, in all Equitie and Iuſtice to be obſerued in all well-gouerned Commonweales.

We may perceiue by the contents of this Diſcourſe, how weight and meaſure doth controll each other: compare your meaſure of Corne with the weight, as before is declared; your length of Clothes with the weight as aforeſaid; nay your wet Meaſures, with your dry Meaſures of all things of that nature, and experience by obſeruation will teach you to diſtinguiſh truth from falſhood, and how to know the goodneſſe of things; if Spices become light, then the weight will ſhew it, becauſe the ſubſtance is dryed vp; which to preuent is wiſedome and no deceit: for as the Element of ayre is the cauſe of putrifaction, ſo the excluding of the ſame in many things, is a preſeruation, and ſo is likewiſe the preuenting of dryneſſe. But to end this Triall of meaſure and weight, let vs obſerue the Italians by weighing and meaſuring of their Silke wares. A yard of Satin weigheth foure ounces, being truely made, and if it be aboue, they take the ſame to be ouergummed, and not truely made, and ſo if it weigh leſſe.

Weights and Meaſures controll each other.

Chap. V.

Of the three Essentiall Parts of Trafficke, namely, Commodities, Money, and Exchange of Money by Bills of Exchanges.

ALL the trafficke and commerce betweene Nation and Nation, or man and man, is performed vnder three Simples, which are properly the Essentiall parts of Trafficke: namely, *Commodities*, *Money*, and *Exchange for Money by Billes of Exchanges*: which is effected by Number, Weight, and Measure, according to the former obseruation.

A Tripartite Exchange.

And herein is to be considered a Tripartite Exchange, That is;
Commodities for Commodities.
Commodities for Money, and
Commodities for Exchange of Money by Bills of Exchange.

For some Merchants doth negotiate all for Commodities, others all for Money, or Exchanges, or for all three or any of them which yeeldeth them most benefit and gain: and herein is their particular profit, or *Priuatum Commodum*, more respected than the generall good of the common-wealth, whereby corruptable and vnnecessarie commodities are giuen for Staple wares and durable commodities, to the impouerishing of kingdomes and common-weales. And not onely is this commutation or exchange abused in kinde, but also in the price, paying too deare for the one, and selling the other too good cheape: whereby commeth an ouer-ballancing of commodities in price, and qualitie, and not in quantitie; whereby in effect, Moneyes are giuen to boot, and as it were ouer and aboue the reasonable estimation of things; and herein is the course of Exchanges by Bills predominant, and ouer-ruling both the course of Commodities, and Money, as shall be at large demonstrated hereafter.

Ouer-ballancing of Commodities.

The Bodie, Soule, and Spirit of trafficke.

For the said three essentiall parts of Trafficke are properly the *Body*, *Soule*, *and Spirit of Commerce*, and haue their operation accordingly.

The first as the *Body*, vpheld the World by commutation and bartring of Commodities, vntill Money was deuised to be coyned.

The second, as the *Soule* in the Body, did infuse life to trafficke, by the meanes of Equalitie and Equitie, preuenting aduantage betweene buyers and sellers.

The third, as the *Spirit* and facultie of the Soule (being seated euery where) corroborateth the vitall spirit of Trafficke, directing and controlling (by just proportions) the prices and values of Commodities and Moneyes.

True it is, that this Spirit and facultie of the Soule, namely, the *Exchange for Money*, taketh his originall from the Soule, which giueth life to the body of Trafficke; that is to say, The exchange for Moneyes by Bills of exchanges, is grounded vpon Moneyes, and Moneyes were inuented and made by common consent to be the rule and square to set a price vnto all things, and the right and true judges of them; and is therefore called *Publica Mensura*, or the publike measure betweene man and man. But since the manner of Exchange was inuented between nations and nations, or countrie and countries, Moneyes did only remaine thepublike measure within the realmes or common-

Money the publike measure at home.

weales

weales of euery countrie, betweene man and man, according to the valuation of Princes and States impoſed vpon Moneyes: and the Exchange of Moneyes by Bills became *Publica Menſura* betweene vs and forreine nations, and betweene all nations in the courſe of commerce, according to which Exchange all commodities are bought and ſold. And albeit that the abundance or quantitie of Commodities, and the many or few buyers, or the ſcarcitie of Commodities, cauſeth the prices of Commodities to riſe and fall; and likewiſe that plenty of money maketh things deare, and ſcarcitie of Money maketh them good cheape, as a propertie inherent vnto mony as a true meaſure: yet we muſt obſerue in true order, That both commodities and Money are Paſſiue, ſince th'exchange was inuented, which is only actiue, and that in countries where all the eſſentiall parts of Trafficke are vſed. But howſoeuer, the Maxime is to be obſerued in the auoyding of the ouer-ballancing of Commodities in price and qualitie. *Marcus Cato* therefore ſaith aduiſedly:

Exchange for Moneyes the publike meaſure betweene Nations.

Commodities and Mony are things paſſiue.

Oportet patrem familias eſſe Vendacem, non Emacem.

A prince therefore (as the father of the common-wealth) ought to be ſeller and not a buyer, which commeth to paſſe when the expences of his common-wealth doe not exceed his incomes and reuenues: this to be effected by keeping a certaine equalitie in the Trafficke betweene his kingdome and forreine nations. For riches being naturall, or artificall, and both ſubject to Number, Weight, and Meaſure, requireth a certaine equalitie in the true commutation of things betweene vs and other nations. And juſtice being diſtributiue and commutatiue, euery man of judgement knoweth, that this part is comprehended vnder juſtice commutatiue; and that all Trafficke conſiſteth of the land Commodities, and of the Commodities of the ſeas, and laſtly, of the Commodities of other countries and nations. For God cauſed Nature to diſtribute her benefits or his bleſſings to ſeuerall clymats, ſupplying the barrenneſſe of ſome things in one countrey with the fruitfulneſſe and ſtore of other countries, to the end that interchangeably one common-weale ſhould liue with another.

Naturall riches Artificiall riches.

Iuſtice diſtributiue and commutatiue. Land Commodities. Sea Commodities.

Theſe Aphoriſmes or ſelected points are of great importance: for (as is noted before) gaine being the ſcope of all Merchants, is procured without regard had to the common-wealth; the wealth whereof cannot properly decreaſe but three manner of waies, namely, by ſelling our home Commodities too good cheape; by buying the forreine Commodities too deare; and by the tranſportation of Moneys in *ſpecie*, when the exchange of moneyes doth not anſwere the true value of it, by Bills of Exchanges; as ſhall be plainely demonſtrated.

Proper cauſes of the decreaſe of wealth in a State.

For this Exchange is the Rudder of the ſhip of Trafficke, faſtened vpon the Paralell of the keele of Equitie, which doth rule and direct the ſaid ſhip vpon all the variations of the Commodities of all countries. Many men knowing that the Rudder doth gouerne the ſhip, can notwithſtanding giue little reaſon of the cauſe of it, but admire to ſee ſo ſmall a piece of timber haue ſo great an operation; yet no man is ſo fooliſh as to attribute that power vnto the ſailes or any other appurtenances of the ſhip, or to the maine body of it called the hull of the ſhip. Great is the errour therefore of thoſe that will aſcribe any effectuall operation to the quantitie of Commodities, albeit there was a trafficke and commerce without either Money or Exchange for Money, when the courſe of it was like a ſhip ſailing without Rudder or Compaſſe.

Exchange of Rudder of trafficke.

Money may well be compared to the Compaſſe, hauing ſo many variations vpon the ſeuerall ſtandards of the coines of all countries, and changing continually from time to time in valuation; Princes and Common-weales taking aduantage one againſt another, either to draw treaſure into their Kingdomes and Territories, or to aduance the price of their countrie Commodities. And Exchange may properly be compared to the Rudder of a Ship, which commandeth the directions of the Compaſſe accordingly, and ſo doth the Exchange command the courſe of Mony: for let the ſtandards of Moneyes be altered either in weight, fineneſſe, or valuation, the Exchange by altering the price (with great facilitie) according to equitie is able to meet and ouer-rule them all, as ſhall be declared in the progreſſe of this booke.

Monie as the Compaſſe of a Ship, and Exchange the Rudder.

The

Principles or Axiomes what they are, &c.

The learned haue determined, that no argument or diſputation is to be maintained with thoſe that will deny Principles, which by reaſon and common conſent are indiſputable, and ſtand of their owne authoritie: for by an vndoubted Principle or Axiome we know, That the whole is bigger than his part, that two is more than one, and that two equall things being equally diuided into a third, are all equall.

The knowledge of the premiſſes is ſo naturally and viſibly engraffed in the minde of man, as no doubt can be admitted: neuertheleſſe there are men ſo intoxicated in their judgements, that being once poſſeſſed of an imaginary conceit, they will neuer be remoued; as he was who asked of his friend, What he ſhould do with an heape of ſtones and traſh to be rid of it? and was anſwered, That he ſhould dig a hole in the ground and bury them; and when the other demanded of him, what he ſhould do with the earth he ſhould dig out? he told him he ſhould make the hole ſo much the bigger to but them in both, and he could neuer be recalled from this conceit, euen in naturall and ſubſtantiall things to be felt, ſeene and handled; inſomuch that experience ſheweth, that digging an hole, one ſhall hardly put in the ſame earth againe, without cramming and labour, much leſſe the other.

Copernicus his opinion of the motion of the earth.

The Pithagorians doctrine lately reuiued by *Copernicus*, touching the ſcituation and mouing of the bodies Cœleſtiall, denying the ſtabilitie of the earth, may in ſome meaſure be admitted *argumentandi gratia*; for they ſet forth ſome Aſtronomicall demonſtration, albeit imaginarie, and declare ſome reaſons agreeable to experience, namely, That the Orbe of the fixed Starres is of all other the moſt higheſt and fartheſt diſtant, and comprehendeth the other Spheres of wandring Starres. And of the ſtraying bodies called Planets, the old Philoſophers thought it a good ground in Reaſon, that the nigheſt to the Center ſhould ſwiftlieſt moue, becauſe the Circle was leaſt, and thereby the ſooner ouerpaſſed, and the farther diſtant, the more ſlowly: and vpon this conſideration, becauſe of the ſwift courſe of the Moone, they did conclude, that the whole Globe of Elements was incloſed within the Moones Sphere, together with the earth as the Center of the ſame, to be by this great Orbe, together with the other Planets aboue the Sunne turned, making by his reuolution one yeare; and whatſoeuer ſeemeth to vs to proceed by the mouing of the Sunne, the ſame to proceed indeed by the reuolution of the earth, the Sunne ſtill remaining fixed and immoueable in the middeſt. But *Ariſtotle* his reaſons are generally approued, to proue the earths ſtabilitie, in the middle or lower part of the world, becauſe of grauitie and leuitie, the earth being (of all other Elements) moſt heauie, and all ponderous things are caried vnto it, ſtriuing (as it were) to ſway downe, euen to the inmoſt part thereof, with many other reaſons made diſputable by ſome, becauſe the Planets and Starres are farre aboue vs. But to deny the Principle of Exchange and Money as aforeſaid, may be refuted and proued to be ſo plaine an errour, as we ſee the hand or *Index* of a dyall to be the thing actiue, which ſheweth the houre, and the letters are things paſſiue and immoueable in the action; and ſo are Commodities in the courſe of Trafficke, where exchange is vſed.

Ariſtotle of the ſtabilitie of the earth.

Right Merchants are taken to be wiſe in their profeſſion, for their owne good and benefit of the common-wealth; for of the ſix members of all the gouernments of monarchies and common-weales, they are the principall inſtruments to increaſe or decreaſe the wealth thereof; as may appeare by the deſcription of the following royall banket of Great Britaine. The King of Great Britaine conſidering that all common-weales are furniſhed with *Diuine ſeruice*, *Armes*, *Lawes*, *Riches*, *Arts*, and *Suſtenance*, and that the managing of theſe ſix things requireth ſix maner of perſons, namely, Clergie-men, Noble-men, Magiſtrates, Merchants, Artificers, and Husbandmen (which joyntly are the members of all common-weales) was graciouſly diſpoſed to inuite them all vnto a royall banket, where (after many pleaſing diſcourſes concerning hunting, and hauing proued by many examples, that the moſt renowned Princes delighting in that royall ſport, haue alwaies beene the beſt warriers) his Majeſtie was pleaſed, that euery member of his common-wealth as aforeſaid, ſhould in one onely word expreſſe the propertie of his profeſſing or calling; whereupon the Clergie-men did ſay, *we inſtruct*;

The royal banket of Great Britaine.

the

the Noblemen, *we fight*; the Magiſtrates, *we defend*; the Merchants, *we inrich*; the Artificers, *we furniſh*; and the Husbandmen, *we finde*. The King anſwering, vſed theſe or the like ſpeeches: We do very well approue your declarations in this briefe manner, recommending euery one of you to diſcharge your dutie accordingly, with a remembrance, that we (as your head) muſt make the body of the common-wealth compleat: for the office of a King towards his ſubjects, doth very well agree with the office of the head, and all the members thereof. For from the head (being the ſeate of judgement) proceedeth the care and prouidence of guiding, and preuenting all euill that may come to the body or any part thereof, the head cares for the body, ſo doth the King for his people: and euen as all diſcourſes and directions flow from the head, and the execution of them belongeth to the members, euery one according to their office; ſo is it betweene a wiſe prince and his people. And as the head by true judgement may imploy the members in their ſeuerall offices being thereunto ſufficient, or being defectiue may cut them off, rather than to ſuffer infection to the reſt: euen ſo is it betwixt the King and his people, for as there is alwaies hope of curing any diſeaſed member by direction of the head, ſo long as it is whole; and by the contrary, if it be troubled, all members are partakers of that trouble; ſo is it betweene the King and his ſubjects, who is therefore called *Parens patriæ*, who like a father of the great family of the common-wealth, doth ſtudie for the welfare thereof.

Compariſon and propertie of the bodie to the head, ſo betweene the King and his ſubiects.

Parens patriæ.

The Lord Chancellor making a generall anſwer, did acknowledge his Majeſtie to be the right and ſupreame head, without which the body was to be eſteemed as a dead trunke, for, ſaid he, the royall Scepter of a Monarchie, guided with good and wholeſome lawes, doth far exceed all other gouernments, which properly are called *Ariſtocracies & Democracies*.

Ariſtocratia. Democratia.

Ariſtocracie is the gouernment of the leſſe number of people of a common-wealth in ſoueraigntie, and *Democracie* (being contrary vnto it) is the greater number of people gouerning. Whereas a monarchie is a common-wealth where one ſole Prince hath the abſolute gouernment, here the peace, vnitie, concord, and tranquilitie of ſubjects conſiſteth by meanes of one head, by whoſe power common-weales are fortified, vertue thereby being vnited and more corroborated, than if it were diſperſed into many parts, which giue occaſion of ſtrifes, turmoiles, and controuerſies by the diuided powers and emulation of greatneſſe: when as one perſon (imitating nature) doth gouerne (as the head) all the parts and members of the body, for the generall ſafegard and weale publike.

Monarchie the beſt gouernment.

Hereupon replication being made by the King; fault was found of the generall dearth of all things within his Realme, without any ſcarſitie of the ſaid things ſeruing for the backe and belly, which we attribute vnto you Husbandmen, ſaid the King, for food is deare and yet there is no dearth. The Husbandmen did excuſe themſelues, and laid the fault vpon the Noblemen and Gentlemen for raiſing of their rents, taking of Farmes into their hands, and making of incloſures. Noblemen and Gentlemen did impoſe the cauſe vpon Merchants and Artificers for ſelling things dearer than in times paſt, which cauſed euery man to make the moſt of his owne, according to his profeſſion; wherein the Artificers were eaſily diſpenſed withall, conſidering their labours, and Workemens wages, buying alſo all things dearer. So that the fault did wholly remaine vpon the Merchants, who haue the ſole diſpoſing of all Commodities exported and imported for the good or hurt of the Commonwealth; which cauſed the King to enter into conſideration of the aforeſaid three Eſſentiall Parts of Trafficke, name, Commodities, Money, and Exchange for Money by Bills of Exchange.

Food deare and no dearth.

And ingeniouſly perceiuing, that the vitall ſpirit of trafficke did conſiſt in the matter of Exchange for Moneyes, becauſe the ſame is the publike meaſure betweene Nation and Nations, and that gaine was the radicall moiſture of commerce, which had his effectuall power in Exchanges: his Majeſtie thought good to call diuers Merchants to the conſultation of this buſineſſe (being within their element) to heare their opinion how to remedy the ſaid inconuenience.

Where-

Three manner of Merchants.

Whereupon his Highneſſe obſerued three manner of Merchants: The firſt (which were the greateſt number) were ignorant of the fundamentall reaſons of Exchanges, and being carried with the ſtreame, neuer tooke notice of it, but were guided therein by ignorant brokers of Exchanges, according to the rule of forreine Nations. The ſecond ſort of Merchants, were thoſe that did altogether practiſe to make a benefit by Exchanges and Tranſportations of Moneyes, and neuer did deale in commodities at home or beyond the ſeas, and theſe would not confeſſe that there was any abuſe committed by exchange. The third ſort of Merchants (being the ſmalleſt number) were men of wiſedome and experience, and yet they found the matter of exchange to be a miſterie, vntill examination of the properties thereof, and then (like good Patriots) they tooke a care for the welfare of the Common-wealth. The firſt ſort, he did not regard becauſe of their ignorance: The ſecond ſort he did compare vnto Vinteners, who are not fit to be called to be Aſſiſtants in making of Lawes againſt drunkenneſſe, and ſo rejected them: But the third ſort he did embrace as worthy Councellors to reforme abuſes; and ſome of theſe were of opinion, That by reaſon of the baſe Money coyned in the later end of the raigne of *Henry* the 8, all the forrein Commodities were ſold dearer, which made afterwards the commodities of the Realme to riſe at the Farmers and Tenants hands, and that the ſame was made dearer through plenty of Mony and Bullion, which came from the Weſt-Indies; and eſpecially, becauſe an ounce of Siluer was inhaunced by the ſaid King, from fortie pence, to fortie fiue pence, and afterwards in proceſſe of time was valued at threeſcore pence, and that the operation of the ſaid alteration doth ſtill continue. Others ſaid, That the prices of things being riſen, was of no great moment, becauſe it was by denomination, and not really; for that which was called fortie before, was now termed threeſcore, according to the coynes of Siluer valued by the ounce, as aforeſaid. But the wiſer ſort did goe further, and comparing the prizes riſen of forraine Commodities, farre more than the prizes of our home Commodities, they did acknowledge, that there was an ouer-ballancing of commodities, and found that the courſe of Exchange for Moneyes was the efficient cauſe therof: For they did obſerue, that as the Elements are joyned by Symbolization, the aire to the fire by warmeneſſe, the water to the aire by moiſture, the earth to the water by coldneſſe; ſo is Exchange joyned to Moneyes, and Moneyes to Commodities by their proper qualities and effects, whereby it did appeare vnto them;

Offenders vnfit to make Lawes.

Inhaunſing of Siluer altereth the price of things.

Firſt, That our Money being vndervalued in Exchange, cauſeth the price of our home Commodities to be abated, and to be ſold better cheape in forraine parts, and is alſo the cauſe that our Moneyes are exported.

Secondly, The Moneyes being tranſported, taketh away the liuely courſe of Trafficke of our ſaid Commodities, and cauſeth young Merchants to runne by Exchanges vpon Bills to maintaine their trade, paying great intereſt for Money, which they cannot take vp by their ſingle Bond, as they can doe by Bill, taking vp the ſame by Exchange without Sureties.

Thirdly, this cauſeth young Merchants and others to make raſh ſales of their Commodities beyond the ſeas, to pay their Bills of Exchanges, whereby they ouerthrow the Markets of others, and make them ſell better cheape. So on the contrary, the coynes being ouer-valued in exchange, and alſo inhaunced beyond the ſeas, cauſed the price of forraine Commodities to increaſe, more than our natiue Commodities; and our Merchants are compelled (of courſe) to make returne thereby, becauſe they cannot import thoſe ouervalued Moneyes, but to their exceeding great loſſe. And by exchange they finde few Takers, vnleſſe it be our young Merchants, which do conſume their eſtates by Exchanges, and Rechanges. For of the ſaid three Eſſentiall parts of Trafficke, we haue but the vſe of one (as they obſerued) which is the buying of forraine Commodities, to make returnes, increaſing therein the conſumption of the ſaid wares, and not our owne Moneyes remaining hereby plentifull beyond the ſeas; the rather for that Bills of debt are (as readie Money) paſſing betweene man and man cauſeth with them a liuely courſe of Trade, whereby their Commodities are aduanced in price and ſale; neither are they compelled to ſell them but at their

Cauſes of the ouer-ballanceing of Commodities.

price,

price, becauſe they find mony at intereſt, at fiue and ſix in the hundreth.

This plenty of mony is daily increaſed by our merchants trading into Spaine and all others, who doe diuert the Royals of Spaine from vs, becauſe of the inhaunſing of monies beyond the ſeas, where they haue 25 vpon the hundreth gain, when with vs they make but 10 p cent.

This gain is practiſed by exchange, and would otherwiſe be but imaginary, as ſhall be declared hereafter: whereby we ſhall finde that the ſaid Exchange is ſtil predominant, and ouer-ruling the monies and commodities.

CHAP. VI.

A Geometricall Deſcription of the World, eſpecially of EVROPE, *Meaſured by Millions of Acres of Ground, vpon the Map.*

¶ *The Meaſure is one Million, or ten hundred thouſand Acres.*

THE Circumference of the roundneſſe of the whole Globe of the World, compoſed of Water and Earth, is accounted to be 5400 Geometricall miles, or 21600 ordinary miles. But whereas the Miles in all Kingdomes and Countries, and almoſt in euery Prouince or Shire do differ; I haue thought conuenient to admit one meaſure of one million of Acres of ground, to meaſure the whole Globe thereby according to the Map: which is not only intelligible to all men, but all Merchants alſo may haue vſe thereof. For by the number of the millions of Acres, comparing one kingdome vnto another, or one Countrey vnto another Countrey, they may know the bigneſſe and ſpaciouſneſſe thereof, which wee haue particularly obſerued in Europe, with a diſtinction alſo of the dominion of Princes in theſe ſeueral Countries known by the name, France, Italy, Germany, and others, which many times falleth into conſideration vpon ſingular occaſions.

This Globe of the World is diuided to be two third parts Water or ſeas, and one third part land: and of this Land there is one third part not inhabited, and the other two third parts are as followeth.

The whole Circumference by the aforeſaid meaſure is 19, 803, 575000, which is 29 milliars, 803 millions, 575 thouſand Acres, and the milliar is ten hundred millions. So the $\frac{2}{3}$ part water is 19 milliars, 869 millions, and 50000 acres of ground anſwerable; and the other part third is 9 milliars 934 millions, and 525 thouſand Acres.

A Milliar is ten hundred Millions.

Hereof deduct $\frac{1}{3}$ part not inhabited, which is 3 milliars, 311 millions, 508000 Acres; ſo reſt 6 milliars 623 millions, 17000 acres of land inhabited, whereof followes a particular diſtribution.

¶ *Firſt for Europe or Chriſtendome.*

England containeth 29 millions, 568 thouſand Acres.

Scotland containeth 14 millions, 432 thousand Acres.

Ireland containeth 18 millions.

So these three Kingdomes, with all their dominions of lands and Islands adjacent, vnder the Diadem of King *Iames*, contain 62 millions of acres of ground, &c.

England is by this computation, accordingly with the Dominion of Wales, and all Islands thereunto belonging, the thousand part of the whole Globe, or the 222 part of the earth inhabited, or the 333 part of the whole earth: and Scotland may be full the one halfe of this computation, that is, the 444 part of the earth inhabited, or the *666* part of the whole earth; and the Monarchy of Great Brittain and the Kingdome of Ireland is the 480 part of the whole Globe, vnnecessarie fractions in cypher omitted.

The body of the Sun is *166* times bigger than the whole Globe of the World, and so accordingly for the seas and earth as aforesaid.

¶ *The 17 Prouinces of the Low-Countries,*

Containe 10 millions 797 thousand Acres. Whereof

The reconciled Prouinces with Spaine containe 7 millions, 197000 acres.

The vnited Prouinces vnder the States containe 3 millions 599000 acres.

The Kingdome of France diuided into 32 Prouinces, containeth in all 82 millions 879000 acres.

The kingdomes of Spaine, being 8 in number, containe as followeth:

	m.		m.
Castile	25 millions 730	Leon galisia	9 millions 124
Andalusia	2 millions 425	Arragon	13 millions 104
Granado	2 millions 128	Biscay	3 millions 412
Navarre	1 million 458	Portugal	10 millions 154

In all containing 67 Millions, 535 thousand acres.

ITALY.

Vnder Spaine.

	m.		m.
Naples	11 millions 704	Savoy	1 million 910
Lombardy	1 million 640	Piedmont	1 million 160
Vnder Venice.		Toscana, &c.	4 millions 785
Trevisana	2 millions 584	Suria and Florence	480
Verona	0 millions 480	Marca Ancona	1 million 412
Frioul	1 million 047	Parma	885
Mantua	0 millions 480	Sicilia	3 millions 113
Vnder Rome.		Cypres	1 million 601
Liguria	1 million 415	Candia	2 millions 060
Romagnia	1 million 085	Corsica	1 million 395
Hetruria	0 millions 540	Sardegna	4 millions 089
Latium	0 millions 480		

Containing in all 44 millions 257 thousand Acres.

GERMANIA.

	m.		m.
Saxonia	3 millions 484	Bavaria	3 millions 249
Misnia	3 millions 249	Helsatia	3 millions 644
Turnigia	1 million 093	Heluetia	12 millions 328
Lusatia	2 millions 572	Basle	0 millions 842

Swebourg

	m.
Swebourg	2 millions 109
Salsbourgh	1 million 063
Trier, Ments, Spiers, Strausbourgh, and Wormes	4 millions 237
Iuliers	348
Cleve	258
Weſtphalia	2 millions 300
Oſnab	358
Sileſia	5 millions 706
Bohemia	7 millions 024
Auſtria	6 millions 121
Moravia	4 millions 114
Pomerania	3 millions 249
Brandenbourg	6 millions 208
Machalbourg	2 millions 107
Franconia	6 millions 361
Tiroll	3 millions 249
Carinthia	1 million 588
Stiria	1 million 779
Palatine Rhene	4 millions 361
Wirtenborgh	1 million 223
Embden	230
Oldenbourgh	449
Liege	548
Cologne	215

Containing in all 93 millions, 646 thouſand acres.

Pruſſia 10 millions 240 thouſand Acres.

	m.
Ruſſia	9 millions 607
Volhimia	5 millions 762
Maſſovia	1 million 916
Livonia	34 millions 115
Poland	19 millions 205

Heretofore named Polonia, containing in all 80 millions 845 m.

Denmarke.

	m.
Denmarke	10 millions 426
Norway	28 millions 492
Holſtein	1 million 065
Ditinars	337

Containing in all 40 millions, 326 thouſand acres.

Swethen.

Swethen	57 millions 430000 acres.
Finland	7 millions 531000
Gothia	20 millions 936000

Containing in all 85 millions, 897000 acres.

Part of Ruſſia or Muſcovia and Situam vnder Europe, 232 millions, 558 thouſand acres. So that whole Europe or Chriſtendom doth but contain 802 millions 740000 acres, which is not the 12 part of the whole earth. EVROPA.

	m.	
Hungary, Dalmatia, Tranſylvania, and all Turky, 385 mill.	367	
Muſcovia pars 128 millions, 817000 acres.		ASIA.
Tartaria 299 millions, 110000		
Perſia 385 millions, 367000		
Calicut and Eaſt India 587 millions, 200000 acres.		
Africa containeth 1541 millions, 883000 acres.		AFRICA
America containeth 1152 millions, 400000 acres.		AMERICA.
Nova Hiſpania 1349 millions, 133000 acres.		

¶ Summa totalis *of the inhabited parts of the World, ſix Milliars, ſix hundreth and twenty three Millions, and ſeuenteen thouſand Acres of Land*, Vt ſupra.

THE vſe of this Deſcription, to know the bigneſſe of one Countrey, compared vnto another countrey, is for example:

England containeth 29 meaſures and odde; Bohemia containing 7 meaſures and odde, is the fourth part of England, or thereabouts.

The 17 prouinces of the Low-countries, beeing ten meaſures and odde, is the third part of England, or thereabout.

The Monarchie of great Brittain being 44 meaſures and odde, is as big as all Italy and the fiue Iſlands of Sicilia, Cyprus, Candy, Corſica, and Sardignia, and is alſo more populous, and ſo for all other countries: inſomuch that England only, containing 29 of thoſe meaſures, or Millions, 568 thouſand acres of ground; if we deduct the 5 Millions, and 568 thouſand acres for wilde and waſte grounds and highwaies, there wil remain 24 millions of acres, which at one penny an acre, amounteth to 100000 ℔, a matter little ſenſible.

One penny an acre, is 100000 pound in England.

Here may *Microcoſmos*, the little world Man, behold how little the great world is, which is made for him as a tabernacle, where he hath no abiding place, but trauelleth as a Pilgrim toward the celeſtiall habitation, with a thankfull minde & remembrance of the mercy of God, who hath been mindeful of the ſon of man, and made him lower than the Angels, to crowne him with glory and worſhip, *Pſal.* 8.

Thus much I thought to demonſtrat vnto Chriſtian Merchants touching the world, before we intreat of the commodities, wherby traffique and commerce is by them and other nations maintained; according to the antient Verſe,

Currit Mercator ad Indos, —— as appeareth in the next Chapter.

CHAP. VII.

Of the Commodities of all Countries, whereby Commerce is maintained.

Corporum tria ſunt genera.

ALbeit that the aforeſaid Doctors of the Civill Law haue declared that there be but three kind of bodies of things, namely,

1 *Quod continetur vno ſpiritu, vt Homo, Lapis, &c.* Which is contained of one ſpirit, as Man, and a Stone, or ſuch like.

2 *Quod ex pluribus inter ſe, coherentibus conſtat, vt edificium navis, &c.* Which conſiſteth of many things ioyned together, as a Building, a Ship, &c.

3 *Quod ex diſtantibus conſtat, vt corpora vno nomine ſubjecta, veluti Populus, legio, grex, &c.* Which conſiſteth of diſtant things, as many bodies vnder one name, a People, a Legion, a Flocke, and the like. Yet this definition is not compleat concerning the body of Traffique and Commerce, conſiſting of body, ſoule, and ſpirit, namely Commodities,

modities, Money, and exchange of Money by Bills of Exchange, as aforesaid; which are to be described in order. And because Commodities, like vnto the Body, vpheld the world at the first by way of commutation and bartering of them according to necessitie and vsefulnesse: Therefore may it be thought conuenient to set downe in this place the particular Commodities of all Countries, and (of some of them) their values and estimation, by means whereof Traffique and Trade is established and maintained, that thereupon we may proceed accordingly.

Verily in the estate of Innocencie all things were common; but alasse this Communion of things endured but a while; and now by reason of our naturall corruption and pronenesse to wrong one another, there is an absolute necessitie of proprietie and seuerall possession, which is consonant to the Law of God, as well as founded vpon the Law of man, and consent of Nations; it being the voice of secondary Nature, This is my house, This is my towne, and This is my seruant, &c. whereby *Meum & Tuum* is distinguished.

The revocation of this communion of things is the nerves and bond of humane societie, and the mother of labour and diligence. Who would till the ground, if he hoped not to taste of the crop of it? Surely all would be waste and desolat, if men were to plant and build for euery body, that is, no body. Wee see by experience, that the strongest would depriue others of the vse of things, vnlesse the Law did interpose her authoritie, which is two fold, namely *Paterna & Politica*, effected by the fathers of Families, and Magistrats. Aud herein is no other equality to be found concerning things but a mutuall voluntary estimation of them according to the vse and behoose of the said things. And the prouerb is true, That goods held in common are (as it were) no bodies goods, and not manured as they ought to be. Whereupon *Plato* in his second Commonwealth (vpon better consideration) did revoke his former opinion of the communitie of goods, and vsed to say, That no man was a gainer, but another became a loser, which had an ouer great regard to the property of goods, and if there were no propertie of goods, all traffique would cease.

Neuertheless, the Equalitie and Equitie in the course of Commerce must be obserued, to auoid the ouerballancing of Commodities, as in the precedent Chapter is mentioned, which requireth a third consideration of another kinde of Equalitie. For as we haue noted with *Aristotle*, Riches is either Naturall or Artificiall.

The Naturall Riches, as Lands, Vines, Forrests, Medowes, and the like.

The Artificiall, as Mony, Gold, Siluer, Cloth, and all other manifactures and Houshold stuffe.

Now as this artificiall Riches is proceeding of the naturall Riches, and that both these do receiue their price and estimation from mony; so reason requireth a certain equalitie between them which we finde to be defectiue, which is concerning the price of lands.

To proue our Assertion, we can hardly make this inequalitie appeare, albeit we doe finde the want of the treasure transported from vs into the parts beyond the seas. For it befalleth vnto vs concerning Monies and wealth, as it doth to a General of a Camp of ten thousand supposed armed men, whereof muster beeing taken at seuerall times and vpon seuerall dayes, all of them are found to be armed, because they lend their armor to each other: whereas if they were all mustred in a day, and at one instant, a great part of them would be found to want armor. So the like want of monies and Wealth would be found, if rich men were examined for their personal estates vpon any vrgent occasion. And now let vs examin the Commodities of all countries, beginning in the East, and ending in the West.

¶ *Of the goodnesse and value of East India Commodities.*

THe Merchants Trade for the East Indies took beginning in England, in the yere 1600; at which time Spices and all other commodities were bought for the prices hereafter declared; translated out of the Portugal tongue, with my additions and obseruations concerning the goodnesse of those commodities.

Cloves

Cloves. Cloves growing in the Islands of Moluccos, being clean of stalks, by the Portugall
Fusses. called Fusties, were sold for 50 Pardaos the Kintal, or the 100 weight of 112 ℔ correspondent with our London quintal or hundreth, accounting the Pardao or Ducat at 5 ß, is about 27 pence the pound. There is another leaner or drier sort of Cloves called *Craue di Bastao*, which is sold for 25 ducats, which the Portugals doe mingle many times: the difference is halfe in halfe in price, and the pound at 13 ½ pence.

Mace. Mace, being of a faire colour and large, which groweth vpon the Nutmegs, and is had also in the Island of Bantan, was sold for 74 ducats the hundred, which is 40 pence sterling the pound.

Nutmegs. Nutmegs in the said places were sold for 15 ducats, is 75 ß. the hundred, and the pound 8 pence sterling.

Ginger. Ginger being dry, from Calicut, called Belledin, or ash coloured Ginger, at 9 Ducats the hundred, is 45 ß. and the pound at 5 pence or thereabouts.

There is an inferior sort called *Mechino*, of 6 ducats the Quintal.

Ginger in conserue, at 13 ½ ducats, is about 7 ½ pence the pound.

Cinnamon. Cinnamon of Zeilan, growing in that Island, was sold at 35 ducats, and the Cinnamon of Malabar, called *De mato*, for ten ducats, wherby the pound of the best is about 19 pence, and the other about 6 pence.

Pepper. Pepper of Calicut, Malabar, and the Island of Sumatra, at 10 Ducats the hundred, bought by the baser of 4 Quintals, commeth to 6 pence the pound.

Long Pepper. Long Pepper was sold at 25 Ducats the hundred, is the pound 15 pence.

Benjoin. Benjoin de Boninas at 55 ducats, and the other sort of Caregasan at 48 Ducats is the pound at 2 ß. 5 pence, and 2 ß. 2 pence, or thereabouts.

Campheir. Campheir of China was sold at 40 Ducats, is 10 ℔, and the pound about 22 d.

Indico. Indico of the better sort, called Carquez, 40 Ducats, and the common sort of Aldcas 30 Ducats, and the richer sort of Aldcas 70 Ducats the hundred, which is the pound 22 d. 18 d. and 3 ß. or thereabouts. This rich Indico is as good as that of the
West Indies Indico. West Indies of Guatimalo, and better than Laurea (alias Lahora) comming from the said West Indies, whereof there was wont to come another sort, called Indico Campeche, which was an extraction of Logwood, being ouerlight and frothy without sub-
Vncertaine trade for Indico. stance, which did swim vpon the water, whereby this manner of triall is vncertaine, and only the Cowpe must finde the goodnesse of Indico by the working of it.

¶ *Commodities sold by a weight called Man, of 24 ℔ weight.*

Silkes. CHina silke 76 Ducats. Silke in pieces 86 Ducats. Silke of Lancan 40 Ducats.
Silke of the Eagle, the best 35, and the common 26 Ducats.

Hard wax. Lacre or hard Wax 16 Ducats the Man. Soft wax 4 ducats.

¶ *Commodities sold by the Bar of 15 Rooues or Arrobas of 28 ℔.*

Wood of China. WHite Sandalo the 20 pieces 160 Ducats. Red Sandal wood 50 Ducats.
China wood 180 Ducats. Ebony wood 200 Ducats.

¶ *Commodities which are sold by the ounce.*

Ambre. Muske. AMbre Greis 13 Ducats is 65 ß. Blacke Ambre 3 Ducats, or 15 ß. the ounce.
Muske in Cods at 2 ½ Ducats, or 12 ß. 6 d. the ounce.

Bezar stones. Bezar stones are sold according to their bignesse more or lesse.

¶ *Commodities sold by the score of twenty pieces, as Calico cloath, &c.*

Calico cloth of diuers places. CAlico cloth of the places following called by seuerall names.
Canequins fine of Cambaya 60 Ducats, is 3 Ducats, or 15 ß. the piece.
Canequins ordinary of the same place, 40 Ducats is 10 ß. the piece.
Teadas 20 Ducats, is 5 ß. the piece. Dotins, 25 Ducats, Bancais 10, &c.
Cotonias for griers, 24 Ducats; and ordinary at 20 ducats.
Calico Cloth Dosinde, called Iourins fine, 70, and ordinary 45 ducats.

Calico

Calico Cloth of Canaor, called Beatillas, fine 26 Ducats, and the ordinary 20 ducats. Pacharins 25, and Berames 30 Ducats.

Calico Cloth of Vengala, of two places, called Caſſas fine, 100 Ducats, the ordinary Caſſas 70 Ducats, Soto pazes 25 Ducats, and Beatillas 100 Ducats.

Chaictares fine 40 Ducats, ordinaries 25, and Caſſas of 60 Ducats.

Calico Lawne made of Nettles, $\frac{1}{4}$ broad, and 18 yards long, is of diuers ſorts from 60 Ducats to 120, and aboue. Calico Lawn.

All kind of Drugs, differing much in goodneſſe, muſt be bought accordingly; as Mirabolanes, called Emblici, Belirici, Citrici, and Indij. Drugs.

Tamarinds, Calamus, Aromaticus, Spicanardi, Oppium, Caſſia, Myrrhe inanſe, Aloes Cicatrini, and Tutia, Rheubarb, and the like; Lignum Aloes, Saunders, Borax or Atincall, and many other commodities.

All which ſpices and drugs are to be garbled, for the better and wholſom vſe of man, for as liquid things in nature become ſoure, ſo dry things become bitter in nature. Whereupon the Garblers office was eſtabliſhed and granted firſt in England by king *Edward* the ſecond, vnto ſome ſufficient perſons, at the ſuit of the Pepperers, now called Grocers of London, which is in effect, to ſeparat the good from the bad, or pure things from the impure, putting them vp euery one accordingly vnder certaine Seales. The office of Garblerſhip, *Anno* 1309.

¶ *Of the weight, goodneſſe, and values of Pearles and Pretious ſtones.*

PEarles and Diamonds are bought and ſold by the Carrat Weight made for that purpoſe. For whereas Gold is ſold by the Carrat of 24 to an ounce, accounting two Carrats for one ounce of Siluer, whereof 12 ounces make the pound weight Troy. This Carrat weight for Pearles and Diamonds is far leſſer, for the 150 Carrats make but one ounce; ſo that one Carrat of gold weight weigheth $6\frac{1}{4}$ part of a Carrat of diamond weight, and the like for Pearls, wherof there is a meaſure for round pearle made correſpondent thereunto, which is alſo diuided into 4 graines, as the Troy weight is, which graines are of leſſe proportion, of $6\frac{1}{4}$ to one, and the diuiſions of ſmall weights are made in $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{8}$ and $\frac{1}{16}$ part, albeit the Troy graines are moſt commonly vſed, without this obſeruation. Difference of Carrats weights.

Diamonds are bought in the Eaſt Indies, by a weight called Mangear or Mangelin, weighing two Tare $\frac{2}{3}$, which $\frac{2}{3}$ of a Carrat, for 4 Tares weigh a Fanan, which is aboue 2 Carrats. India weight.

Rubies are bought by the Fanan, and $11\frac{1}{4}$ Fanans make one Mitigal, and $6\frac{1}{2}$ of them make an ounce. But of late yeares, Diamonds, Rubies, and Saphires are bought and ſold by the Carrat weight.

Diamonds the moſt perfect, called Nayſe, are found in the kingdom of Decan and Narſinga, and the Iſland of Ziclan, which (as I ſay) are ſold by the Mangelin, at ſo many Pardao's or Ducats of 360 Reis, or 9 Royals of Portugal; but accounting the Fanan at 6 pence, and ten Fanans for the ſaid Ducat, then the Pardao is 5 ſhillings ſterling.

The Nayſe Diamonds are pointed on both ſides, and they doe grow vpon the flat Diamonds, which are in the ſuperficies of the Bourt of Diamonds, and are impure, commonly beaten therefore into pouder for the vſe of the other Diamonds that are cut and poliſhed by the Millne. The flat Diamonds are alwaies valued one third part leſſe in price than the Nayſe are, ſo long as they are vncut; but beeing cut, are of more or leſſe eſtimation according to their faſhion. Some are faire Triangles; others Floure de-Luces, Roſes, Hearts, Columes, Demy-Croſſes, or other faſhions of Poly Angles, and proportions ſeruing for the members or parts of the bodies of things to be made into many workes and Iewels, as the Iewellers will apply the ſame, cut with many Faſſets or ſquares. But the thicke ſtones are more certainly known by their weight, hauing their Biſallyes compleat either in Tables or Points wanting no corners or due proportion, without ſpots or ſands, burbles, flawes, and veins, which ſomtimes (although it be in little ſtones) maketh them run 3 or 4 daies vpon the milne, ſpending Properties of good diamõds

ſpending much time and labour to poliſh them. It is almoſt forty yeares ſince I did entertain diuers milnes and cutters of Diamonds, whereby experience made proof vnto me of theſe things, which are very conſiderable. For the water of Diamonds is alſo chiefely ſeene in the cutting and poliſhing of Diamonds, ſome being a yellow water, other greeniſh, other browniſh: but the difference is almoſt all alike if they be of one rocke, that is to ſay, they are like in the parcels as they ſell them. The beſt waters are whitiſh, inclining to the blew, which maketh the beſt illuſtration and play, as ſome call it, which ſometimes wil be found to be admirable in a thin ſtone, or feables, as the Portugals call them: but the faſſets muſt be induſtriouſly wrought, which in great ſtones of 10 or 12 Carrats maketh them to be Paragons, that is to ſay, in all perfection, and being *Piedras de mueſtra*, or ſtones of ſhew, will be ſould by eſtimation, as the loue and fancie of a man will carry the ſame.

Paragon Diamonds.

In times paſt all Diamonds aboue 4 Carrats, rough or vnwrought, were the kings, in the places where they were found; which is the cauſe that concerning the values of Diamonds of aboue 4 Carrats cut, no proportion in price is made certaine betweene Iewellers, but is left to eſtimation according to the aboue ſaid properties.

Small Diamonds haue ſome proportionable price, riſing and falling accordingly; which were ſet downe at Paris in France, during the reigne of the French King *Henry* the fourth, by the Iewellers there, as followeth.

¶ *Crownes of 6 ſ. euery Carrat.*

Rough Diamonds called Bruits.

Of 10 ſtones a Car.—5	Of 2 ¼ gr. the piece 14 ½ crowns the Car.
Of 9 to a Carrat——5 ½	Of 3 Graines 16 ½ the Carrat.
Of 8 ½ to a Car.——6	Of 3 ¼ Gr.——17
Of 7 ½ to a Car.——7	Of 3 ¾ Gr.——18 ½
Of 7 to a Car.——7 ½	Of 1 Car. the piece 19
Of 6 ½ to a Car.——8	Of 4 ¼ Gr.——19 ½
Of 6 to a Car.——8 ¼	Of 4 ½ Gr.——20
Of 5 ½ to a Car.——8 ½	Of 4 ¾ Gr.——21
Of 5 to a Car.——8 ¾	Of 5 Gr.——22
Of 4 ½ to a Car.——9	Of 6 Gr.——24
Of 4 to a Car.——9 ¼	Of 7 Gr.——26
Of 3 ½ to a Car.——9 ¾	Of 8 Gr.——30
Of 3 to a Car.——10 ¼	Of 9 Gr.——34
Of 2 ½ to a Car.——11	Of 10 Gr.——40
Of 2 to a Car.——12	Of 11 Gr.——45
Of 2 ¼ gr. the piece 12 ½	Of 12 Gr.——50
Of 2 ½ gr. the piece 13	Of 16 or 4 Carrats, 60

By this eſtimate it appeareth, that a Diamond of 4 Carrats brute or vncut, is ſet downe 60 French crownes, which is 18 ℔ ſterling: for it is vncertain what may bee diminiſhed of the weight by the workmanſhip of it. So that in the ſtones cut and poliſhed there is more certaintie; whereof the price was likewiſe proportionably ſet down as followeth.

Diamonds cut and poliſhed.

Of ½ a Grain—20 ſhillings ſter.

Of ¼ of a Grain——25			Of 3 ¼ Graines——16	o	o
Of one Gr.——40			Of 3 ½ Gr.——20	o	o
Of 1 ¼ Gr.——50			Of 3 ¾ Gr.——24	o	o
Of 1 ½ Gr.——60			Gf 4 Gr. or one Carrat 30	o	o
Of 1 ¾ Gr.——80			Of one Carrat ¼——33	o	o
Of 2 Gr.——100			Of 1 ½ Carrats——36	o	o
Of 2 ¼ Gr.——120			Of 1 ¾ Carrat——40	o	o
Of ½ Gr.——150			Of 2 Carrats——60	o	o
Of 2 ¾ Gr.——9 ℔	o	o	Of 3 Carrats——100	o	o
Of 3 Gr.——12	o	o	Of 4 Carrats——200	o	o

All

All which priſes may alter from time to time according to the vſe of precious ſtones, vpon accidentall cauſes of the marriages, of Princes and great perſonages, to be done proportionably. As if the Diamond of a Carrat ſhould riſe twentie in the hundreth, then all the other ſorts accordingly; and ſo alſo in the falling of the price by greater quantities.

Diamonds of yellow water (which giue luſtre extraordinarily by candle-light) are more in requeſt in Germany and ſome places in Italy, where the browne Diamonds are alſo deſired. But in England and France they are worth $\frac{1}{3}$ part leſſe (which is according to the abouesaid priſes that Diamonds are now worth with vs alſo.) The Diamond of a full Carrat being a perfect Table, and yellow, is worth 20 ℔ ſterling.

The pointed Diamonds, which (in regard of their naturall proportion, hauing leſſe waſt in the cutting) heretofore ſold better cheape than the Table Diamonds, are now dearer and more eſteemed.

About this time of the abouesaid eſtimation, theſe Diamonds of the ſorts following, were bought rough or brute at Lixborne.

Brute Diamonds at Lixborne.

			℔.	s.	d.	
Of 10 peeces to a Carrat	1000	reis—or	0	12	6	the Carrat.
Of 9 to a Carrat	1200	reis	0	15	0	
Of 8 to a Carrat	1400	reis	0	17	6	
Of 7 to a Carrat	1600	reis	1	0	0	
Of 6 to a Carrat	1800	reis	1	2	6	
Of 5 to a Carrat	2000	reis	1	5	0	
Of 4 to a Carrat	2400	reis	1	10	0	
Of 3 to a Carrat	3200	reis	2	0	0	
Of 2 to a Carrat	4000	reis	2	10	0	
Of one Carrat nayfe	6000	reis	3	15	0	
Of one Carrat flat ſtones	5000	reis	3	2	6	

The cutting of them was 10 and 12 *ſ* for euery Carrat in thoſe daies.

There is a rule for cut Diamonds aboue 5 Carrat. To multiply the weight of them within it ſelfe, and then by the price of one Carrat to value the ſame, as in the margent appeareth by the ſaid rule, after 25 ℔ the Carrat.

A Diamond of 10 Carrats is 10 times 10: which is 100, ſo at 25 pound a Carrat, is worth 2500 pounds.

Rubies are found for the moſt part in a riuer called Pegu, being of the beſt kinde and fineſt, and are called *Nuncuplo*, of a high colour without any ſpots, and cleane, alſo the hardeſt and coldeſt vpon the tongue as the Indians ſay.

They are ſold by the Corcia or ſcore, of 20 pieces, by a weight called Fanan. The Rubie of one Fanan for ten Pardaos or Ducats, is 50 *ſ* ſter. If they be be not perfect, the price muſt be conſidered, as in the Iſland of Zeilan, where great quantities are found of a fleſhie colour, eſteemed but $\frac{1}{3}$ in value, called by the Indians *Manecas*, which being mundified by the fire are made Carbuncles.

Rubies.

Carbuncles.

There is alſo found in Pegu, another kinde called Spinella with vs, and by them *Caropus*, eſteemed at halfe the value of Rubies. And in the like eſtimation were another kinde found in Balaſſia, and ſo called, much like vnto the colour of a roſe.

Spinella.

Balaſſia.

Saphires in the Iſland of Zeilan, the hardeſt are beſt, and of azure colour.

Saphires.

Topaſies in the ſame Iſland, of colour like beaten gold, the hardeſt are beſt, and were ſold for their weight in gold in times paſt.

Topaſies.

Turqueſes found in Malabar, beeing of Turquers colour by the day time, and by night by the light greene: they grow vpon a blacke ſtone, whereof thoſe retaining ſome little blacke veines, are the better.

Turqueſes.

Iacinths (in the Iſland of Zeilan) are tender yellow ſtones, and haue commonly pimples or burbles in them.

Iacinths.

Emeralds or Smaragds (being hard and greene ſtones, found in the countrie of Babylon, and other places of India) were of great eſtimation before the quantitie diſcouered in the Weſt-Indies, many of them are counterfeit: But by looking on them

Emeraulds.

curiouſly towards the light, the counterfeitneſſe appeareth by certaine burbles, like as the glaſſe doth; which is not in the true ſtones, although certaine beames appeare, which true ſtones being rubbed on the touchſtone, leaue the colour of gold, and the counterfeit, the colour of copper, for they are made of an extraction of copper.

Originall of pretious ſtones.

The ancient Philoſophers haue determined that Sulphur and Mercurie (being the originalls of all mettals) are engendred of vapours and exhalations, and the like origen they aſcribe vnto all pretious ſtones: which cauſed Artiſts to take the ſame into their conſideration both for the ſaid ſtones, as alſo for Gold and Siluer, whereof I do intreat more in the Chapter of Mines royall, &c.

All theſe ſtones being out of requeſt with vs, are to be bought for Ruſſia and other places, as the buyer findeth cauſe.

East-India Pearles.

Pearles of all ſorts are moſt found in the Weſt-Indies, which are Occidentall and yet beare the name of Orientall Pearles which come from the Eaſt-Indies, and although they haue more luſtre, they are of a browniſh colour, and ſomewhat enclining to the yellow, and therefore of leſſe eſtimation and price, which at the beginning of our Eaſt-India trade was as followeth.

			℔.	s.	d.
Of one Carrat	1 ½ Pardaos is		0	7	6 Sterling.
Of 1 ½ Carrat	3 Par.		0	15	0
Of 2 Carrats	6 Par.		1	10	0
Of 2 ½ Carrats	8		2	0	0
Of 3 Carrats	12		3	0	0
Of 3 ½ Carrats	16		4	0	0
Of 4 Carrats	20		5	0	0
Of 4 ½ Carrats	25		6	5	0
Of 5 Carrats	30		7	10	0
Of 5 ½ Carrats	35		8	15	0
Of 6 Carrats	40		10	0	0
Of 6 ½ Carrats	45		11	5	0
Of 7 Carrats	50		12	10	0
Of 7 ½ Carrats	60		15	0	0
Of 8 Carrats	70 & 80		20	0	0

Aliofar, which is ſmal Pearle ſold by the Iuera, or Sorts which commeth from the fiſhing of Comorin, worth

The 1 Iuera	330 reis
The ſecond	180
The third	80
The fourth	18
The fifth	8

West-India Pearles. *Anno* 1587.

And aboue this weight there is no proportion obſerued, but it is meere eſtimation, as is noted in Diamonds, eſpecially in the Weſt-India Pearles, being of a cleare white water inclining towards blew, whereof I bought a great quantitie of Sir *Francis Drake* knight, which he brought from Carthagena, a citie of the Iſland of Santo Domingo, being all vnholed and bruite, of ſeuerall ſorts, called *Roſtillo* of 40 ß, the ounce, halfe *Roſtilla* of 30 ß, *Cadenilla* of 40 ℔ the ounce, halfe *Cadenilla* 3 ℔, *Pedraria* of 60 and 80 peeces in the ounce 7 ℔, and halfe *Pedraria* of 100 to 110 peeces to the ounce 5 ℔. Alſo great vnproportionated Pearles called *Barocos*, according to eſtimation and goodneſſe, as theſe prices were made at Paris, and when they are holed or boared and ſtringed vp in foure ſorts, called *Entreneto*, and put into boxes, then they are ſold one with another according to their ſorts, for 4 or 5 ℔ the ounce: diuers flat Pearles ſeruing for buttons, put vpon papers are ſold by the piece according to their bigneſſe and faireneſſe. Seed Pearle to ſtampe for Apothecaries at 8 and 10 ß the ounce.

Round Pearle.

Round Pearles of all ſorts of this water, valued at Paris as followeth.

	ſtar.		ſtar.
Of ½ a Graine	2 Solz tornois — 2 d ⅖	Of 2 Graines	16 — 19 d ⅕
Of ¾ Graines	2 ½ — 2 d ⅗	Of 2 ¼ Graines	18 — 21 d ⅗
Of 1 Graine	4 — 4 d ⅘	Of 2 ¾ Graines	30 — 3 ß
Of 1 ¼ Graine	6 — 7 d ⅕	Of 3 Graines	40 — 4 ß
Of 1 ½ Graine	10 — 12 d	Of 3 ¼ Graines	50 ſolz — 5
Of 1 ¾ Graine	13 is — 15 d ½	Of 3 ½ Graines	60 — 6

Of

	ß		ß
Of 3 ¾ Graines	70	7	
Of 4 Graines Carrat	80	8	
Of 4 ¼ Graines	90	9	
Of 4 ½ Graines	100	10	
Of 5 Graines	120	12	
Of 6 Graines	240	24	
Of 7 Graines	460	46	
Of 8 Graines is 2 Carrats		60	

Pearles of a Carrat are worth now ten ſhillings, and the other ſorts vnder the ſame, or aboue it, accordingly. I had 1600 of a Carratt, which were ſold for 9 ß and 900 of two Carrats, ſold for 36 ſhillings, and many faire pendants, whereof no price can be made in certainety, they muſt haue the due proportion of a peare, and be of excellent water.

Yellow Pearle, is not worth halfe the price of the Eaſt India browne Pearle, albeit they be a little helped to make them whiter, for the Prouerb is true, *Quod natura dedit, nemo tollere poteſt*; but if they be yellow accidentally, then they will become very faire by the remedy following.

Take two ounces of white Argall or Tartar, and one ounce of Mercurie ſublimate, and 1 ½ ounce of Allome, put them together into a cleane pipkin or leaded pot, poure vpon it the beſt *Aqua vitæ* you can get, and binde your pearles into a cleane clout, and hang them in the pot, and ſo let them ſtand ouer the fire one houre, not touching any part of the pot, and they will be faire and white.

If they be great round Pearles they may be ſcaled, for naturally the Pearle is like vnto an Onyon, ſcaling one vpon another. I remember that a friend of my acquaintance, called *Mounſieur Hellman* told me many yeares ſince, that during the minoritie of *Philip* the third, late King of Spaine, he ſhewed vnto him two excellent great round Pearles, which he valued at ten thouſand ducats, or three thouſand pounds: which the young prince tooke in his hands, ſaying, *Bocado por vn Roy* (A morſell for a King) and ſwallowed them downe one after another. The Merchant made account to receiue money for his Pearles, but he could not, and was glad within two daies after to take his Pearles againe, which by the heate of the ſtomacke were become yellow; comming to Antuerp, a certaine Iew vndertooke to take off the vpper ſcale, and ſo they were exceeding faire againe, but diminiſhed: they were afterwards ſold to the great Turke for aboue two thouſand pounds ſterling.

Thus much for Orientall and Occidentall Pearles, where note that the weight for Pearles in Seuill, is leſſer than the weight of Lisborne by eight in the hundreth: the climate in the Eaſt is hotter than in the Weſt, and the water more ſaltiſh, which cauſeth the diuerſitie of colours.

In Scotland are many times found pretty ſtore of Pearles, and the climate beeing colder, maketh the colour of them to be dimme, albeit I haue ſeene ſome very faire, and pendants alſo. The ſmall Pearle is alſo very wholeſome in medicinable Potions.

¶ *Of the Commodities of Great Brittaine.*

THe Commodities of Great Brittaine, containing the Kingdomes of England and Scotland and the dominion of Wales, are rich, and Staple wares, and very abundant, with a continuall increaſe, namely: *England.*

Woollen Clothes of all ſorts, broad and narrow, long and ſhort, called and knowne by the names of ſeuerall Shires, being 250000 Clothes made yearely, beſides the new Draperies of Perpetuanaes, and the like commodities.

Tinne, wrought and vnwrought, aboue twelue hundred thouſand pounds yearely.

Lead tranſported and vſed, aboue eight thouſand Fodders euery yeare.

Allomes made in abundance, aboue ſeuen hundreth Tunnes yearely.

Copperas made according to the quantitie vſed, ſome 250 Tunnes yearely.

Yron of all ſorts, ſetting 800 Furnaces on worke.

Yron Ordnance, or caſt pieces according to occaſion made.

Wools and Woolfels, and Calfe skinnes in great quantitie, and Conie skins.

Stockins of all ſorts of Silke, Wooll, and Yarnſey, Yearne and Wooll.

Buffins, Mocadoes, Grograines, Sattins, Calamancos, Veluets, Worſteds, Sarges, Fuſtians, Durance, Tukes, and all other Norwich wares and Stuffes.

Saffron the beſt that can be found in any country.

Glaſſe and Glaſſes of all ſorts, Venice gold, Sea-coale, and ſalt.

Scotland. Scotſ-coale, Wheat, Barley, aud all kind of graines in both Kingdomes.

Linnen Cloth, and all Ironmongers wares, Hides, Tallow, Leather, dreſt and vndreſt, Trayne Oyle, Salmons, Pilchards, Herrings, Hake, Conger, Red-Herring, Hops, Woad, Butter, Cheeſe, Beere, Salt-peter and Gun-powder, Hony and Wax, Alablatter, and many other Stones.

¶ *The Commodities of the Kingdome of Ireland, are*

Ireland. WOolles, Felles, Yarne, Furres, Flax, Linnen Cloth, Hides, Tallow, Hempe, Honny, Wax, Herring, Cods, Hake fiſh, Salmonds, Eeles, Ruggs, Mantles, Iriſh Cloth, Pipeſtaues, Yron, and Lead, Wheat, and all kinde of graine, Salt-Beefe, Butter and Cheeſe, and many Manufactures.

¶ *The Commodities of the Kingdome of France, are*

France. WInes, Prunes, Canuas, Linnen Cloth, Salt, Veluets, Raw ſilke, and diuers ſtuffes of Silke, Buckrames, Boxes with Combes, Paper, playing Cards, Glaſſe, Grain to dye, Roſen, Wheat, and all kinde of Graine corne.

¶ *The Commodities of Spaine and Portugall, are*

Spaine and Portugall. WOols, Madera, Sugar, Almonds, Wines, Oyles, Anny-ſeeds, Anchoues, Bayberries, Bariglia, Figges, Raiſons, Traine-oyle, Yron, Oranges, Leamons, Sumacke, Saffron, Soape, Coriander, Corke, Licoras, Woad, and the commodities of the Weſt-Indies, Sugar of Brazill, Fernandebucke Wood, Tabacco, and other commodities.

¶ *The Commodities of Italy, and certaine Iſlands.*

Italy. VEnice Gold, Veluets, Sattines, Cipres, Silkes, Cloth of Gold and Siluer, Cottones, Fuſtians, Wines, Currans, Cloues, Raſhes, Rice, Sarcenets, Raw Silke, Allomes, and Vitrioll, Glaſſes and other Manufactures.

¶ *The Commodities of Germany and places adjoyning.*

Germany. WOolls, Argall, Steele, Latine, Copper, Yron, and all kinde of Manufacture made of them: Copperas, Allomes, Lead, Fuſtians, Paper, Linnen cloth, Quickſiluer, Bell-mettall, Tinne, Reniſh Wines, and Mather.

¶ *The Commodities of Eaſt-land, and thereabouts.*

Eaſtland. AShes, Bowſtaues, Cables, Canvas, Buffe-hides, Flax, Hempe, Hony, Wax, Stockfiſh, Spruce Yron, Match, Wheat, Rye Meale, Woolles, Waynſcott, Pitch and Tarre, and Linnen cloth, Cordage and Ropes.

¶ *The Commodities of Denmarke, and Norway, and Sweaden.*

Denmarke, Norway and Swcaden. WHeat, Rye, Woolles, Deales, Clap-boord, Pipe-ſtaues, Maſts, Waynſcot, Copper, Timber, Fiſh and Furres, Allomes in ſome places.

¶ *The*

¶ *The Commodities of Ruſsia.*

TAllow, Hides, Caueare, abundance of rich Furres, Blacke Fox, Martins, Sables, and the like: Honny, Wax, Cables, Ropes, and Cordage. *Ruſsia.*

¶ *The Commodities of Barbary.*

GOat skinnes, Almonds, Dates, Aneale, Gumme, Feathers, Salt-peter, Gold plentifully: and from Guynea, Hides, Oliphant-teeth and Graine. *Barbary.*

¶ *The Commodities of the Low-Countries.*

TApeſtrie, Battery worke, Steele, Cambrickes, Lawnes, Hoppes, Mather, Butter, Cheeſe, Grogromes, Bozatoes, Chamblets, Mocadoes, Bruſhes, Tape, Linnen cloth, Pots, Bottles, Wheat, Rye, Salt, Chimney backes, Blades, Horſes, Soape, Fiſh, Herrings, Cods, Ling, and many things, as Diaper, Smalt, Hoopes of Yron. *Low Countries.*

¶ *The Commodities of the Weſt-Indies.*

FRom the Low-Countrie beginning the Weſt India Trade, let vs ſet downe the commodities of it, ſeeing that the States of the vnited Prouinces haue made lately a Societie of Merchants, bearing date the ninth of Iune 1621, wherein other Nations may be aduenturors, as by their letters patents appeareth; prohibiting all other their ſubjects or inhabitants, that they ſhall not trade from the ſaid countries, nor out or from any other Kingdome and countrey whatſoeuer, vnto the coaſts and countries of Africa, from Tropicus Cancri, along to the Cape of Bona Speranza, neither in the countries of America, from the South end of Magellanes le Mary, and other ſtraits, to the ſtraits of Anian on euery ſide, Noua Guinea included, vpon forfeiture of the ſhips and goods and all their poſſeſſions, within their juriſdiction and command, and arreſts of their perſons, vnleſſe they be of the ſaid company made and eſtabliſhed for the Weſt India Trade. *Letters Patentr for the Weſt-India Trade by the States, &c.*

Gold and Siluer, Cucheneale, Sugars, rich Indico, Donnigo, Ginger, Pearles, Emeraulds, Hydes, Campeche or Logwood, Salſaparilla, Tabacco, Canafiſtula, Cocoswood, Lignum vitæ, Cottonwooll, Salt, and ſome other drugges for Phyſicke or dying of ſtuffes. And this may ſuffice for a declaration of the principall commodities of moſt Countries.

CHAP. VIII.

Of Commutation or Bartring of Commodities.

WE haue compared Commodities vnto the body of trafficke, which did vphold the world by commutation and Bartring of Commodities before money was deuiſed to be coined, whereof we are now to intreate. For commutation, barter, or trucke of Commodities was firſt effected *in ſpecie*, by deliuering one Commoditie for another according to the commodious and behoofull vſe of man; ſo that one did deliuer ſo many meaſures of Corne for ſo many meaſures of Salt, as was agreed vpon; another ſo many pound of Wooll againſt ſo many

many pound of Pepper, Sugar, or other commodities; an other ſo many pieces of ſuch a commodity for ſuch a commoditie; or ſo many Hides for one barre of yron, or ſo many pieces of Siluer vncoyned, but weighed and exchanged, as yet is vſed in ſome places of America, Barbary and Guynea, and other countries. This may be properly called an Exchange of commodities, or rather a permutation of commodities; albeit the Ciuilians, when there is ſcarcitie of Gold and Siluer in a countrey, and when the commodities in value ſurmount the money payed for them, they do call that a permutation, and deny the ſame to be an emption by their diſtinctions; howſoeuer, this manner of commutation or barter was made by number, weight and meaſure of commodities in kinde: but monies being inuented and valued by the publique authoritie of Princes according to their ſeuerall ſtampes or coine, and by common conſent made *Publica Menſura*, or the publike meaſure to ſet a price vpon euery thing. This commutation, barter, or exchange of commodities for commodities, was, and is (ſince that time) made according to the rule of money, whereby euery man ſetting a price vnto his commoditie, doth ſell and barter the ſame as he can, with a reſpect of the neceſſary vſe or requeſt had of the commoditie, and of the qualitie and goodneſſe of the ſame, beeing either corruptible commodities, or ſtaple wares more durable, whereby all mettals and minerals came into greater eſtimation, and the pureſt was moſt valued and eſteemed, euen in the very trafficke by commutation when moneyes were not coyned, and commodities were diſperſed by commerce betweene nations by an interchangeable courſe, ſupplying each others occaſions and neceſſities, according to the vſe of commodities.

Commutatio negotiatiua.

This commutation is called *Negotiatiua*, becauſe things are commuted for to ſell againe by way of negotiation, which is either by ſelling or deliuering commodities for commodities *in ſpecie*, as aforeſaid; or by the rule of money in buying and ſelling the ſame at a price agreed or concluded vpon betweene the parties contracting for the ſame: In the eſtimation whereof we are to haue a due conſideration, That riches being naturall and artificiall, and both valued by money, there is required a certaine equality in the ſaid eſtimation, proceeding of the conſideration betweene this naturall and artificiall riches.

And as there are three temporal things for the behoofe of man, namely Food, Houſes, and Apparell: ſo muſt we account all the things ſeruing thereunto accordingly, and the ſcarcitie or plenty of thoſe things alſo according to the vſe of them; hauing alwaies a regard and care not to pay too much for the things ſeruing for the belly, (eſpecially ſuch as in ſome ſort may be ſpared or forborne) and not to ſell too good cheape the things ſeruing for the backe, or in effect to barter them for ſuperfluous things, alwaies admitting ciuilitie (which albeit that men account that ciuile, which is according to the maner of euery country as the prouerbe is, countries faſhion countries honour:) yet reaſon muſt rule herein, with a due conſideration of Gods good creatures and gifts, which cannot be done without an vnfatigable induſtrie, both in diſcerning the varietie of them, and in obſeruing their infinite number and pure creation; in which regard pretious things haue their eſtimation, ſo that the ſame ciuilitie muſt be reduced to the good of the common-wealth, and for the vpholding of the ſame, liuing together in chriſtian ſocietie, giuing ſo farre place vnto reaſon, that euery man may endeauour himſelfe for the preſeruation of the weale-publike, and conceiue generally, that other nations (not endued with ſo much reaſon) are alwaies inferiour vnto vs in that regard, euen conſidering all men alike in that eſtate of politick gouernment. Who ſeeth not then that without any cauſe of admiration, ſome men do wonder at the ſimplicitie of Braſilians, Weſt-India, and other nations, as they of Barbarie, or Africa, in giuing the good commodities of their countries, yea Gold, Siluer, and pretious things, for Beades, Bels, Kniues, Looking-Glaſſes, and ſuch toyes and trifles? when we our ſelues commit the ſame, in giuing our ſtaple wares for Tabacco, Orenges, and other corruptible ſmoaking things, or ſuperfluous commodities bought at deare rates, to the loſſe of the common-wealth; whereby commeth an ouer-ballancing of forreine commodities with our home commodities, which draweth away our treaſure

treaſure and ready monies to the incredible loſſe and impouerifhing of the realme.

This commutation *negotiatiua* ought to be the ſtudy of Polititians or States-men, as a principall matter of State for the preſeruation and augmentation of the wealth of their Common weale or Monarchies, where they ſit to direct the ſhip of trafficke, as skilfull Pilots obſeruing all accidents which happen to the three eſſentiall parts of trade and commerce already declared, and to be amplified in our deſcription of this cuſtomary Law of Merchants.

This Studie conſiſteth in two points, namely in the conſideration of the value of the things commuted or bartered betweene countrey and countrey, according to their vſe; and in the charges of manufacture of thoſe things, and the manufacture of other things exchanged for the ſame by way of trafficke and commerce.

The due commendation of the Maior of Carmarthen.

Worthy of commendation was the Maior of Carmarthen towne in Wales, who (perceiuing the Spaniards to import Oranges and Lemons, and to ſell them continually for ready money, and to export the ſame without buying any of their countrey commodities, being Staple wares, and theirs very corruptible and many times halfe rotten) cauſed a proclamation to be made, That no man (for the ſpace of three daies) ſhould buy any Oranges and Lemons: and within that time they were all ſpoiled, and ſo the Spaniard went home by weeping croſſe, and afterwards ſold his Oranges better cheape, and bought commodities for his returne.

Touching the price of manufactures, the labour and charges of workemen is to be conſidered on either ſide, and what the commoditie may be in the wearing or vſe thereof, and to what purpoſe or profit the remainder may be imploied. As for example, If ſilke Lace be imported, after the wearing it is nothing worth: If Venice Gold and Siluer be imported, there will remaine about the one halfe in Siluer, albeit the ſame be ſold deare vnto vs; which is very tollerable, if other of our manufactures, or Cloth, be exported for the ſame, whereby the people are ſet on worke to maintaine a common ſocietie. But when Tabacco is imported, and leauing nothing but ſmoake, which is not onely bought at deare rates, and doth hinder importation of Bullion or Ryals of Plate; but is alſo the cauſe that our home commodities, as Cloth, Bayes, Perpetuanoes, and Sayes, are ſold to loſſe by the buyers of Tabacco; which cauſeth the price of our Commodities to bee abtated, and the Realme to loſe aboue fortie thouſand pounds yearely by this negotiation of Barter: States-men therefore might in this particular, take ſome courſe that euery man ſhould not make employment in Tabacco in Spaine, or beyond the ſeas, but that the licenſed buyers thereof ſhould make ouer ſo much money by Exchange as were needfull for a competent quantitie to be proued by good and true certificate that the ſame hath beene performed accordingly.

Hinderances by Tabacco, &c.

On the other ſide, if Venice Gold and Siluer thred, Spangles, and Oes, ſhall bee thought conuenient to be made in England; then (to procure the Siluer in plates cut or vncut to be brought ouer of the ſterling Standard, or ſo much in Bullion as may make the quantitie required) may be thought expedient, if (in regard of ciuile reputation of the kingdome, we will not prohibit the importation of it by courſe of trafficke.

But conſidering that after wearing the ſame with reputation, it leaueth almoſt the one halfe of his value. There is no pregnant cauſe to finde ſo much fault with it, as ſome men do. The like conſideration is to be had for ſuch manufactures, whereof the very pieces or rags may be vſed to ſome purpoſe, as of Linnen to make white paper, of fiſhers nets to make browne paper, of skins to make glew, of beere leeze to make *Aqua vitæ* and the like.

And here we may not omit how Almightie God by his diuine prouidence ruleth many times this negotiating commutation, when the harueſt of Corne faileth in one country, and is proſperous in another country, whereby this trade of barter by the rule of money, doth very much augment, and the price of Corne becommeth to be much dearer: Albeit the price be reaſonable, conſidering the Farmer may by the cheapneſſe thereof be made vnable to pay his rent. And God, who doth euery thing for the beſt, ſhewes vnto vs how one nation may haue need and occaſion to vſe the help and means

of

of other nations, and which is more admirable to be noted, God in the permitting of it, may haue ſome other worke in hand to manifeſt his glory, or to relieue his children by vnexpected meanes; As the ſending of the children of *Iacob* into Ægypt for the want of corne to maintaine themſelues, doth demonſtrate vnto vs. The like may be applyed for Wines, Salt, and other commodities for the ſuſtenance of man, which (although they be corruptible commodities) may, contrary to our former aſſertion (by this accidentall or caſuall extremitie) be preferred in eſtimation of the Staple commodities, which are durable and become valued onely by Gold and Siluer, which is the cauſe that Spaine and Portugall being ſubject to haue dearth of Corne, doe permit the exportation of Siluer and Gold in returne of the prouenue of it and other victuals, whereby we finde that thoſe countries, by reaſon of the Weſt-Indian treaſure, being from time to time prouided with Siluer and Gold coine, are neuertheleſſe moſt deſtitute of the ſame, bartring as it were in effect, their Siluer and gold, for Corne and other prouiſions; and hauing their countries ſtored with meere Copper moneyes. This treaſure paſſeth from them as if it were conueyed by a channell: and (becauſe of the abundance of their ſaid copper moneys) is not ſo ſenſible vnto them, as it is vnto other countries which haue not the vſe of the like Copper moneys, which is diuers waies to be conſidered, eſpecially in the time of warres, when moneys are called to be the ſinewes thereof, or *Nerui Bellorum*, which by meere Copper moneys can neuer be vnderſtood, howſoeuer neceſſary (in ſome meaſure) for the commutation of pettie bargaines and contracts, whereof more hereafter in handling the matter of moneys.

Gold and Siluer bartered for Corne and Victuals.

To make application of this negotiating commutation in the price of commodities, it is to be proued by diuers antient Merchants bookes, that within the age of a man, or ſeuentie yeares, the price of forraine Commodities with vs is farre more riſen than the price of our home Commodities; which by way of Antitheſis is worthy the obſeruation.

Redding colour, and other mingled colour Clothes, did coſt 9 ℔ the Cloth then, when black Veluets were ſold at 10 ſhillings the yard; and now the ſaid ſort of clothes are ſold but for 11 ℔ and 12 ℔ the Cloth, and Veluets at 26 ſhillings the yard.

Packe Clothes white, at fiftie pound the packe of ten pieces, Cramoſin Veluets at 12 ſhillings the yard. And now Packe Clothes of the ſame marke, at ninetie pound, and a hundreth pound, and Cramoſin Veluets at thirtie ſhillings the yard.

Wooll the Todd of 28 ℔ weight, at 12 ſhillings, Blacke Satine at 5 ſhillings the yarde; Wooll now aboue 20 ſhillings, or thereabouts, and Satine 15 ſhillings.

Calfe skins the dozen 5 ß, Fuſtians the Bale of 40 ½ pieces, at 12 ℔ the Bale; Calfe skins now at 10 ß, and Fuſtians 36 pounds, and Millaine Fuſtians at 18 and 20 ſhillings the piece, now at 3 ℔ and aboue.

Sayes of Norwich, at 20 ß the piece and vpwards: Meſſina ſilke 8 ß the pound; Sayes are obout 40 ß, and Meſſina and the like ſilke aboue twentie ſix ſhillings. Northerne Carſeyes then 18 ß, Spaniſh Soape 20 ß, now 50 ß, and Carſeyes 22 ß. Seuill Oyle, the Tunne 12 ℔, now 35 ℔, and many times aboue 40 ℔.

Forrain wares riſen, 3 to 1.

French Wine at 5 ℔ the Tunne, now 20 ℔, or thereabouts: Long Proines 5 ß, now 15 and 16 ß; Sugar 6 pence the pound, now 14 and 16 pence.

Malmeſeyes 5 ℔ the Butt, now 18 ℔ and 20 ℔; Cotton Wooll 4 pence, now 15 d, and diuers other commodities accordingly. So that an angell would haue bought one yard of Veluets, now three angels or pieces of gold can be exported for the ſame. Ten Angels would haue bought a Tun of Claret Wine in England, which is now ſold for aboue 20 ℔, and 24 ℔.

Beſides that, our Cloth is better made than in thoſe daies, albeit not ſo good as it might be made; victuall and wages are dearer, and Woad, Mather, Oyle, and colours are extreamely riſen.

A Merchant might haue ſent or carried with him one packe of Clothes, white, broad, or narrow liſts, and brought in returne one Cheſt containing nine or tenne pieces of Veluets: whereas now he cannot bring aboue three or foure pieces in returne thereof. For a Redding Cloth ſold beyond the Seas, hee might haue returned one

Bale

Bale of Fuſtians; whereas now for the value of one Bale of Fuſtians ſold in England, a Merchant muſt buy and export three Clothes.

A London mingled colour cloth would haue bought at Lisborn two cheſts of Sugar; now one cheſt of Sugar will draw two Clothes out of the realme. So a Kentiſh Cloth would haue bought at Sevil a tun of oile and more; now one tun of Oyle doth counteruaile three Clothes and more, and other commodities accordingly, giuing as it were three to one in *ſpecie*, for forrein commodities.

Compare this commutation to the monies inhaunced in the Low-Countries, Germany, France, and other countries (which is the ſame money ſtill *in ſpecie*, for Weight and fineneſſe, and only the valuation is altered) and you ſhall find, that within the ſaid time of 70 yeares, an Angel worth ten s. then, is now aboue 20 s. a French Crowne ſix ſhillings, now twelue ſhillings ſix pence, and all other coines accordingly, or thereabouts: whereas in England there is no momentarie alteration of the Monies, as hereafter ſhall be made more apparant. And the like conſideration will alſo be had concerning the exchanges of Monies by Bills of Exchanges. Commutation is compared to monies in kind

Some men are of opinion, that ſelling our home commodities good cheap maketh a liuely trade, augmenteth commerce, and maintaineth all dependances thereupon, by ſetting the people on worke, employing ſhips, and augmenting the Kings Cuſtomes and Impoſitions: but they neuer conſider two principall points, whereby the wealth of Kingdomes and Commonweales increaſeth or decreaſeth: namely,

If commodities imported vnto vs bee dearer than in times paſt, as wee haue noted, and our home commodities are not ſold proportionably in price, but we wil indeauor ſtill to ſell good cheape; who ſeeth not that this bringeth an euident ouerballancing of commodities in price, which is to be ballanced by the treaſure and moneyes of the Realme. Inconueniences to ſel commodities good cheape.

Again, if our home commodities be ſold too good cheap, other nations can make a trade thereby for other countries, and ouerthrow the trades of ſeuerall Societies of the Realme. We haue ſeen in times paſt, that the Weſtern colour Karſies were ſould at Norenborough in Germany, to the great loſſe and hindrance of the then Turky trade. And at this preſent our Suffolke clothes are ſold ſo good cheape beyond the Seas, at Amſterdam & other places, that they haue made a large trade for Ruſſia and Eaſtland, with our owne commodities, and thereby ouerthrown our trade, by preoccupying the markets, and ingroſſing the commodities of thoſe Countries aforehand. From Zeeland there is a trade eſtabliſhed for Barbary, with the ſaid Cloathes ſould vnto them, thereby preuenting the trade of Engliſh Merchants, which yeeldeth them but little profit, and the commodities which they bring in return (as Hides, Almonds, & other things) are better vented beyond the ſeas, where our Merchants are forced to tranſport them, and the gold which they bring affordeth but little profit: ſo that to make commerce to be a paſtime, is neither beneficiall to the Commonwealth, nor to particular perſons. The times or ſeaſons of Traffique and Trade are mutable and ſubiect to accidents; which is the cauſe that at ſome one time commodities are well vented, and at another time not: the raſh ſale is not the profitableſt. Haue not we found of late yeares, that Cloth was ſold in greater quantitie, and at greater prices, when the Todd of wool was ſold at 32 and 33 s. and clothes accordingly, than now when Wool is ſold for 18 and 20 s. The revolution of things may alter again, and reuiue trade, if not, procure you to haue forrein commodities better cheape, whereof you haue not ſo much need as they haue of ours. Striue not to vnderſell others, to the hurt of the Commonwealth, vnder colour to increaſe trade: for trade doth not increaſe when commodities are good cheap, becauſe the cheapneſſe proceeds of the ſmall requeſt, and ſcarcitie of money, which maketh things cheape. So that the contrarie augmenteth Trade, when there is plenty of mony, and commodities become dearer being in requeſt. The times and ſeaſons of trade are variable. Cauſes increaſing trade and commerce.

Concerning the particular barter or truck with Merchants, euery man doth know who dealeth therein, that this is done with ſuch dexteritie, to take aduantage in the price of their commodities one againſt the other, that commonly either the one or the other findeth himſelfe agrieued: for the ouer-reaching therein is accounted an vſuall Particular barters.

and ordinary practiſe, and the commodities thus bartered are plentifull, and not in requeſt; whereby it commeth to paſſe, that to haue good commodities (which are vendible at all times) there is part giuen in ready mony, or in Bills payable at ſhort daies of payment; whereby many Merchants are ouer-reached, and can haue no remedy by Law nor equity. Hence the Prouerb is deriued, *Caveat Emptor*; for it is a buying and ſelling, implying an aduantage intended by both parties, howſoeuer they will ſeem to colour the matter. So that the prouerbe is not to bee vnderſtood vpon all bargaines commodities whereby a man becommeth a loſer: and hee that dealeth in barter muſt be very circumſpect, and the mony giuen in barter cannot be ouerſet. Whereupon a principall Merchant of London made once a barter in hope to ouerreach another Merchant, and they both reſoluing to do their beſt indeauor therein, agreed to eſteeme and value their commodities at a high rate: but withall, the great Merchant would haue the one moitie of the ſum they ſhould barter for, in ready money, and ſo the more hee did ouervalue his commoditie (which was cloth) the more mony was the other to lay out. The bargain came to one thouſand pounds ſterling; whereupon the party payed fiue hundred pounds in ready mony inſtantly (for all was done in two houres) and deliuered him alſo forty halfe pieces of Lawnes, at a certaine price the firſt piece, and in euery two or three pieces raiſing the price, as the manner is in that kind of commoditie. The great Merchant had ouerſet his Commoditie or Cloathes fifty vpon the hundred, and the other Merchant (that could not ouerſet his money) had valued his Lawnes at a very high rate, of three for one at the leaſt. For all the ſaid 40 half pieces of Lawnes were ſold for 120 ℔, payable at two years day of payment, and by the cloth there was not loſt aboue 100 ℔. Hereupon long after, the parties fell at variance, the cauſe was compromitted vnto very ſufficient arbitrators Merchants; and they did approue and confirme the ſaid Commutation and Barter to be good, for the Commoditie was merchantable, and they had endeauoured to try their wits to ouer-reach each other. And moreouer, they awarded the great Merchant to pay charges, & willed him to remember the old Prouerb, *He that buyeth Lawne before he can ſold it, will repent before he hath ſold it*. But theſe particular commutations between man and man are not hurtfull to the Commonwealth, vnleſſe they be betweene vs and forreine Nations, in the pluralitie of the things commuted between vs and them.

A cunning commutation.

A Rule for commutations.

To preſcribe therefore ſome kind of rule in Permutations, let vs obſerue, that there is (in effect) three kindes of them, and may bee diſtinguiſhed and ſaid to be, Diſcreet, Temperat, and Deſperat.

Diſcreet commutation.

The Diſcreet is, where (without any compulſion, or of courſe) one kinde of Commoditie is either in *ſpecie*, or according to the rule of mony, bartered or deliuered for another commoditie of another Kingdome; as the bargain was to deliuer Sea-Coles of New-caſtle into France for Salt, paying the fraight on either ſide equally betweene them.

Temperate commutation.

The Temperat commutation is, where a Merchant doth expect a conuenient time for the ſelling of his commoditie, according to the accidents and occaſions offered, and doth not ouerthrow the market of others who haue the like commoditie to ſel, by his raſh ſale.

Deſperate commutation.

The Deſperat Commutation is meere oppoſit vnto it, where a man either for want of diſcretion, or vpon vrgent neceſſitie to ſupply his credit or occaſions, ſelleth or bartereth away his Commodities for forrein commodities to return homewards. In all which, great diſcretion is to bee vſed, and this ought to be a principall ſtudy for Societies and Companies to look vnto. Albeit the ſame is not of ſuch importance as the buying of forrein commodities at deare rates, when Merchants ſtriue to ingroſſe them vpon the ariuall of ſhips, as for Corans it hath happened at Zant and Venice.

* * *

CHAP.

CHAP. IX.

Of ordinary buyings and ſellings of Commodities.

EVerie man knoweth, that in the buying and ſelling of commodities there is an eſtimation and price demanded and agreed vpon between both parties, according to a certaine equalitie in the value of things, permuted by a true reaſon grounded vpon the commodious vſe of things. So that equalitie is nothing elſe but a mutuall voluntary eſtimation of things made in good order & truth, wherin inequalitie is not admitted or known. And the ſeller is to ſell his Wares according to the common eſtimation and courſe, at ſuch time as hee ſhall thinke conuenient, vnleſſe it be for victuals or munition, wherein neceſſity compelleth him to ſell for the generall good, by the interpoſition of the Magiſtrates, by whoſe authoritie he can obſerue no time, but muſt ſell, taking a reaſonable gaine for the ſame: for the eſtimation is alſo the greater vpon ſuch occaſions & accidents, when the ſelling of a thing is not according to the goodneſſe of the nature of the thing, but rather according to the vſefulneſſe of it to mankind: and therein the condition of the thing is to be conſidered, which may decay and be ſubiect to corruption in quantitie, qualitie, and ſubſtance, or which is not ſubiect thereunto.

Definition of equalitie.

True it is, that there can be no rule preſcribed or taught, how to buy and ſel, which is lawfull and vnlawfull, or iuſt and vniuſt, by any wiſe man whatſoeuer, becauſe the children of this age are wiſer than the children of light in their generation and Calling. Which is the cauſe that ſome Diuines hauing written hereof, do proceed with great moderation, obſeruing that the transferring of things from one owner to another, is effected fiue manner of waies by priuat perſons.

Th: Aquinas, Scotus, and others.

1 Firſt by Donation, which is altogether of free gift, according to the ſaying recorded, *Luke cap. 16. Mutuum date, nihil inde ſperantes.*

Fiue meanes transferthings

2 By Permutation, *Do vt Des*, I giue becauſe you ſhould giue; as the prouerb is,

Si mihi des, tibi do, ſi nil des, nil tibi reddo:
Hoc verbum do, das nutrit amicitias.

3 By Emption or buying of things.

4 By Vendition or ſelling of things.

5 By actuall Mutation, or mutuall giuing or lending of monies.

And in buying and ſelling of things there are required eleuen neceſſary conditions: Firſt, a conſent in the ſelling: ſecondly a power to ſell, the like in the buyer: thirdly and fourthly, conſent and power: fiftly and ſixtly, ſome conditions on either ſide, agreeing in the transferring of the thing. Seuenthly, that the ſame bee honeſt: Eightly, alſo lawfull: ninthly and tenthly, to be without vnreaſonable conditions, to buy and ſell the ſame again: eleuenthly, that it be an abſolute irrevocable bargaine. And herein is the Law of Nature to be regarded and obſerued, *Quod tibi fieri non vis, alteri ne feceris*, or do as you would be done to. Yet if I haue occaſion to buy that which another is about to buy, it is lawfull and iuſt for me to buy the ſame.

11 Conditions in the buying and ſelling of things.

But to auoid ſuſpition in ſelling iuſtly or vniuſtly, three things are required. Firſt, the buyer to be expert in the commodities he buyeth. Secondly, that hee be not too needy, or conſtrained to buy: and thirdly, that perſuaſiue reaſons be omitted, which cauſe the party to buy dearer.

Three things to be obſerued in the ſelling of things.

The Ciuilians (affirming that probability to proue the eſtimation of a thing is ſufficient, whether it be more or leſſe worth) do admit that a man may ſel dearer vnto an expert man, than vnto a ſimple man; and to ſell dearer than the thing is worth by common eſtimation, is adiudged by them to be alwaies vniuſt: as alſo to vſe reaſons and inducements to ſell wares the dearer; neither is the ſeller to demand or expect any thing aboue the price agreed vpon: and intreating hereof they make large diſcourſes, which I do omit to handle for the reaſons aforeſaid.

Buying and ſelling, ſay they, is done two manner of wayes, Firſt, that the thing be ſo bought, that all power of pretence be auoided, which is giuing a thing at a certaine price for a thing: ſecondly, that the thing ſold be as a gift for that price, which in ſubſtance may be ſaid to be a plain abſolute and lawfull bargain, ſold (as we ſay) in open market or ſhop, inſomuch that there be not a Curtaine to hide the commoditie ſo bought and ſold: howbeit in all Faires and Markets in the parts beyond the ſeas, a Tradeſmans ſhop and a Merchants ware-houſe is taken to be publique and open at the appointed times.

Selling in open market or ſhop.

They haue alſo determined, that a ſeller may not demand a greater price for the forbearance of his payment or ſatisfaction of the thing, but hee may well diminiſh the price, if the buyer do ſatisfie him the ſooner, and before the time of payment, by way of anticipation, which neuertheleſſe reſteth in his power to accept thereof, or to expect the time. But this is commonly done, not by abating of the price of the commoditie, becauſe mony hath made a certaintie of the totall ſum of the ſaid Commoditie; but by allowance or deduction of the intereſt of the ſaid money for the time to come and vnexpired, according as they make their agreement of the price of intereſt.

Payments by anticipation.

To conclude the premiſſes touching buying and ſelling we find, that no man in ſelling any wares is bound to declare, whether any quantitie of the like Wares are to bee had or expected when he ſelleth.

CHAP. X.

Of Suretiſhip, and Merchants Promiſes.

HAuing entreated of the ordinary buying and ſelling of Commodities, either for mony to be paid at ſome dayes of payment, or for wares to be deliuered by way of permutation (wherin many times a third perſon is interpoſed, or it doth meerely depend vpon the parties promiſe) it may ſeeme conuenient to handle the point of Suretiſhip and Promiſes.

A bare or naked covenant.

For albeit as the Civilians ſay, that *Nuda pactio obligationem non parit, exceptionem parit*, a bare or naked covenant bindeth not, but breedeth exceptions; this is to be vnderſtood vpon Contracts, and whereno Sureties haue made any promiſe. But otherwiſe if any merchant do paſſe his word for another, it maketh him liable, as *Fide juſſor*, to performe the ſame, and the act done before is a ſufficient good conſideration, and they all agree, that *Bona fides inter mercatores eſt ſervanda*, Faith or truſt is to bee kept betweene merchants, and that alſo muſt bee done without

without quillets or titles of the Law, to auoid interruption of traffique, wherein his ſuretiſhip is to be conſidered according to the promiſe: for if it be conditional, if ſuch a man do not pay, then the other to pay the ſame within a time, or to ſaue him harmeleſſe: it is firſt to be demanded of the Principall, and if he do not pay, then the ſurety is to pay it without any courſe of Law, vnleſſe hee bee ordered by the Court of Merchants to performe the ſame, becauſe that thereby he may alſo the ſooner recouer the ſame of the Principall for whom he did giue his promiſe. It is alſo a cuſtome among Merchants, That if a Merchant be indebted vnto another, and thereupon entreateth another Merchant to deſire the Creditor to reſpit him ſometime for the payment of it; if then the ſaid Merchant the Debtor do not pay accordingly at the time, hee ſhall be taken *pro confeſſo*, and ſentence ſhall be giuen by the merchants Court, for the paiment thereof, onely vpon proofe made, that hee did will another to craue the ſaid reſpite of time for the payment. The like is done by the Common Law of England, by trial of Iuries of 12 men, vpon proofe made by euidence produced before them, that the Debtor did craue day of payment, ſo that they will thereupon deliuer their verdict, and iudgement and execution may be of courſe had for the ſame. But if the promiſe bee not conditionall, then is he an abſolute Surety, and is to pay the ſame accordingly, as Merchants of credit alwaies haue done.

To become a ſurety vnawares.

A Merchant may alſo be come to the nature of a Surety vnawares, or vnknowne vnto him; as befell vnto a friend of mine not many yeares ſince at Frankford in Germanie, who during the mart or Faire went into a Merchants Ware-houſe to conferre of ſome buſineſſe with him; where he found another Merchant of his acquaintance to cheapen ſome parcell of ſilke wares of the ſaid other Merchant, to whom this man (as it ſeemed) was vnknowne. Whereupon the ſeller of the ſaid ſilke Wares took occaſion to aske my friend whether he were a good man and of credit; and he anſwered he was. So the bargaine was made, and goods were deliuered vnto the ſaid merchant the buyer, to the value of 460 ℔. for the which hee made a Bill obligatorie, payable the next Faire following: at which Faire (the party not appearing, demand was made of my friend to make payment of the ſaid 460 ℔, becauſe the party was abſent, & withall ſome doubt was made of his ſufficiencie. My friend had not ſo much as remembred that any ſuch queſtion was demanded of him, but the party did put him in mind of it by circumſtances, and would be paid of him; he in defence did alledge it to bee *Nudum pactum, ex quo non oritur actio*, and ſo not bound to pay the ſame, as hauing had no conſideration for it. The opinion of Merchants was demanded, wherein there was great diuerſitie; ſo that the Civil Law was to determine the ſame, and by the ſaid law according to the title *de mandato conſilij*, he was adiudged to pay the ſaid 460 ℔, and to haue the debtors Bill obligatory made ouer to him, whereof hee could neuer recouer one penny, although he did pay the whole debt and damages, for the party became inſoluent. This may be a good caveat for merchants and all men; for if he had ſaid, He is taken or reputed to be a good man of credit, or, I take him to be ſo; he had bin cleared by the Law and the cuſtome of Merchants.

A caveat for merchants, &c.

Conſiderable promiſes.

Some promiſes are conſiderable according to reaſon; as if a man vpon a penaltie do promiſe another not to moleſt or trouble him; if the other giue him cauſe of offence to breake the ſame, he incurreth not the penaltie; and a promiſe made to doe a thing, is alwaies vnderſtood to be for the firſt time. So to make a promiſe that a pawn ſhall not be alienated, yet it is held by diuers, that the ſame may be hipothecated vnto another, ſo the pawne be preſerued. Again on the contrary, if a Ship-Wright doe promiſe to build a ſhip for a Merchant, and hee cauſeth the ſame to be done by another, here the promiſe is broken by the Law; albeit this queſtion is not material, for it is not like that the building of ſhips can be done without contracts in writing, and only by bare promiſes. And the like may be ſaid of the greateſt part of all the queſtions wherewith the books of Civilians are fraighted: ſo that for merchants vnderſtanding the antient ordinary Cuſtomes obſerued in the courſe of the ſaid eſſentiall parts of traffique, is plainly to be declared and diſtinguiſhed from litigious queſtions.

Chap. XI.

Of the revolution of Buying and Selling of Commodities by the course of Traffique.

EVen as the whole Commerce and traffick consisteth of our land Commodities, and some fishing on the Seas, and of the Commodities of forrein Nations: so from hence followeth, an efficient cause of a kind of revolution in the buying and selling of commodities; because the commodities of one country growing ranke and aboundant, are transported into other countries; in whose stead needfull commodities of those kingdomes are returned thither, which is a neighbourly lending between Kingdomes and Countries. For, as is noted, Gad caused Nature to distribute her benefits, or his blessings, to seuerall Climates, of diuers things found in some places, that are not in other places, to make an interchangeable course of the said Commodities, by way of merchandising.

Sundry means for buying & selling.

This Revolution of Trade may be illustrated by the consideration of the seuerall means whereby the said buying and selling are effected.

For ready money.

1 The first is buying with ready mony, which is commonly the best, & with most aduantage, for Commodities are sould better cheape: wherein the knowledge of the goodnesse and necessarie vse is requisit.

For ready mony, & payable at times.

2 There is also a buying and selling of Commodities, payable at some limited time or times of payment, or partly ready mony, and partly at times: and the difference of price herein is commonly aboue ten vpon the hundreth more or lesse, as the rate of monies at interest are in the places of commerce, where the said commodities are sold and bought, and according to the plenty of mony extant, vnlesse the superabundance of commodities do alter the same, especially if the Commodities be perishable, by Corruption, Time, and Accidents; so that the condition, qualitie, or goodnes of the commodities is much to be respected: which was the cause that when Commodities did abound at the first, and the wealth of man was described by cattell and other perishable things; all kinde of mettall (as being durable) was most esteemed, and the purest mettall taken to be fittest to make monies of, as hereafter shall be amply declared in our second part.

By Bills of Exchange.

3 There is another buying and selling of commodities, to be payd by bils of Exchanges, that is to say, the Buyer giueth a Bill of Exchange, or many Bills to be paid by exchange in another place. As for example, one buyeth 500 pounds worth at London, in commodities, which are accounted in price as if he had bought them for ready money, and doth giue vnto the Seller of the said commodities one or more Bils of Exchanges for Antuerp, Amsterdam, or any other place, to be made according to the price of exchange, which is made, or ought to be made, according to the value of the monies of one Countrey, and the value of the monies of other Countries, by Weight and fineneſſe, as shall be hereafter declared, and that according to the distance and discrepance of the time and place, where and when the said monies shall be payd by the

Buyers

Buyers friend, Factor, or Seruant: and ſo the ſaid Bill or Bills of exchanges are payed accordingly for the commodities ſo bought.

4 Another Merchant hauing mony in Banks or the Bankers hands at Amſterdam, or any other place where Banks are kept, buyeth ſome commodities in the ſaid places, and caſting vp what the ſame doth amount vnto, hee goeth to the Banke, and aſſigneth the ſeller of the ſaid commodities to receiue ſo much mony there, and the Banke (accepting thereof) giueth him ſatisfaction in the paiment he maketh vnto others, according to the manner of Banks hereafter declared. By mony payable in Banks.

5 Another buyeth ſome Commodities there, or in any other place beyond the ſeas, and for that purpoſe he hath a Letter of Atturney, called a Procuration, or a letter of Credit, either from his maſter, or any other heere at London or elſewhere; who vpon his credit hath promiſed therby to pay the value of the ſaid goods in ſome place beyond the ſeas, according to a price of Exchange agreed vpon betweene the parties here (and the like is done beyond the ſeas to be payd here) which is ſtill according to the value of monies in both parts, anſwerable to Weight and fineneſſe by way of Exchange; and the like is done betweene London and Exceſter, Plymouth, Yarmouth, and many other places, vpon the very ſame and vniforme Coin, by Letters miſſiue between Merchants here and there. By a letter of Credit.

6 The moſt vſuall buying and ſelling of Commodities beyond the ſeas, in the courſe of traffique, is by Bills of Debt, or Obligations, called Bills Obligatory, which one merchant giueth vnto another for Commodities bought or ſold, which is altogether vſed by the Merchants Aduenturers at Amſterdam, Middleborough, Hamborough, and other places: for when they haue ſold their Clothes vnto other merchants or others, payable at 4, 6, 8, or more moneths, they preſently transferre and ſet ouer theſe Bills (ſo receiued for the payment of their Clothes) vnto other Merchants, and take for them other commodities at ſuch prices as they can agree with the Seller of them, be it Velvets, Silkes, Sattins, Fuſtians, or any other wares or commodities, to make returne of the provenue of theirs; and ſo ſelling thoſe forrein Commodities here in England, they preſently buy more Clothes, and continue a revolution of buying and ſelling in the courſe of Traffique and Commerce, beeing ſo (in effect) as may be illuſtrated by example. For Bils Obligatorie.

Suppoſe that A.B. the Clothier ſelleth to C.D. the Merchant one pack of clothes for the ſumme of one hundred pounds payable at ſixe moneths, and doth condition with him to make him a Bill in the name of ſuch a man as he ſhall nominat vnto him; A.B. the Clothier buyeth of D.E. the Gentleman ſo much Wooll as amounteth to one hundred pounds, and doth intend to deliuer him the Bill of C. D. the merchant, in full payment of his Woolls, and to cauſe the ſame to be made in his (this Gentlemans) name: but D.E. the ſaid Gentleman cauſed him to make the Bill payable to E.G. the Mercer, and the Mercer is contented with the like condition to accept therof; but he cauſed the ſame to be made payable to C.D. the Merchant, of whom hee buyeth his Veluets and Silkes; and ſo in payment of them he deliuered him (by an intermiſſiue time) his owne Bill, which hee firſt ſhould haue made to the Clothier. And herein you are to note, That in the buying by Bils, it may bee made payable to the Clothier, or to the bearer thereof, and ſo all the parties are bearers thereof, vnto whom the ſame is ſet ouer by tradition of it only, which by a retrograde examination will appeare; and this is called a Reſcounter in payment, vſed among Merchants beyond the ſeas, and ſeemeth ſtrange vnto all men that are ignorant of this Cuſtom, and yet do they perceiue a reaſon for it, and cannot deny the commodiouſneſſe thereof. Example of the revolution in traffique. Reſcounter by Bils of Debt.

The Common Law of England is directly againſt this courſe; for they ſay there can be no alienation from one man to another of debts, becauſe they are held *Choſes en Action*, and ſuch whereof no propertie can paſſe by aſſignement or alienation. And many good Lawyers do wiſh as well as Merchants, that there were an Act of Parliament made for the eſtabliſhing of the like courſe in England. By reaſon whereof, let vs in the next Chapters handle this matter more diſtinctly, and declare the benefits which

which the Realme will receiue thereby, and all Merchants and others negotiating for great ſummes.

There are other manner of buying and ſelling of commodities by Contracts, and vpon conditions and caſualties, which are to be declared in their proper places, whereunto relation may be had hereafter.

CHAP. XII.

Of the transferring or ſetting ouer of Bills Obligatorie, betweene Merchants and others.

WEe haue in ſome meaſure in the precedent Chapter declared the vſe and Cuſtome of Merchants beyond the ſeas, in the transferring or ſetting ouer of Bills Obligatory, or Bils of Debt, which they giue each to others for the payment of Commodities bought and ſold by way of traffique and trade, it reſteth now to ſpeak thereof more amply. For the ſinceritie of plain dealing hath hitherto beene inuiolable, in the making of the ſaid Bils, which euery man of credit and reputation giueth of his own hand writing, or made by his ſeruant, and ſubſcribed by him, without any ſeale or witneſſe thereunto; and is made payable to ſuch a Merchant or perſon, or to the Bearer of the Bill, at ſuch time or times of payment as is agreed and concluded betweene the parties, either for money or Commodities lent or bought, and ſo declared in the ſaid Bill, according to the forme hereafter expreſſed.

The maner of Bills beyond the ſeas.

This Cuſtome is much practiſed by the Merchants Aduenturers beyond the ſeas, at Middleborough, Amſterdam, Antuerp, Hamborough, and other places where they do trade, in manner following as we haue noted.

A Merchant hauing many of theſe Bills, which hee hath receiued for his Clothes ſold vnto Drapers, (or other Merchants dwelling in ſeuerall towns and places) wil reſort vnto a ſhop-keeper or another Merchant, commonly accompanied with a Mediator or Broker, to buy a good round quantitie of Silke wares, or any other commodity (which is ordinarily ſold paiable at ſome days of paiment, either 4, 6, or more months) and hauing agreed vpon the price of the ſaid Commoditie, or before, hee maketh the ſeller acquainted what payment or ſatisfaction he will giue him, in Bills to ſuch and ſuch perſons, amounting to ſuch a ſum, either little more or leſſe than the commodity doth amount vnto; or to take in commoditie ſo much as the ſaid Bils do containe, or do amount vnto: and if there be any remainder due for the commoditie, more than the Bils doe amount, the ſame to be payd in ready money, or vpon his own Bill, payable at ſuch time as they agree between them, which often comes to be a great ſum. Hereupon all ſuch Bils as are of known perſons are ſoon accepted of, and of the vnknown perſons, either himſelfe that is the ſeller, or the Broker, will inquire of their ſufficiencie, and then likewiſe accept their Bils in paiment; & hauing taken them (which are made paiable to the bearer, as we ſay) the receiuer of theſe Bills goeth to the parties, and demands of them, whether they will willingly pay him thoſe bills at the time ſpecified therein, according to the manner of merchants for commodities (which if within one month after, it is accounted very good paiment.) The Debtor anſwereth that hee will pay

The ſetting ouer of Bills of debt.

pay his Bill to the bearer thereof accordingly; for if this man will not ride out (as they ſay) the time of the payment of the Bills, he may go to another man and buy other commodities therewith, as if it were with ready money, the time onely conſidered: nay more, if he will haue ready money for theſe Bills, he may ſell them to other Merchants that are moneyed men, and abating for the intereſt for the time, and (commonly one moneth ouer) according to the rate, as they can agree, and as money is plentifull, they ſhall haue money at all times to employ in commodities, or to deliuer by exchange, or to pay debts withall, or to carry home *in ſpecie*, or for any other purpoſe at their pleaſure; which is commodious for young Merchants hauing ſmall ſtockes, as alſo for all men vpon all occaſions; for it is properly as money paied by aſſignation, whereby very great matters are compaſſed in the trade of Merchandiſe, the commodities are ſooner vented in all places, the Cuſtome and impoſitions of Princes doe increaſe, the poore and mechannicall people are ſet one worke, men are better aſſured in their payments, the counterfeiting of Bills, and differences are preuented; the more commodities there are ſold the leſſe ready mony is tranſported, and life is infuſed into trafficke and trade for the generall good. And herein we ſee and may obſerue, That things which be indeed, and things which are not indeed, but taken to be indeed, may produce all one effect; and euery man is enabled with his owne meanes and credit, to augment commerce.

Selling of Bills Obligatorie.

General benefits by ſetting ouer of Bils of Debt.

This laudable cuſtome (as I ſaid) is not practiſed in England; yet ſometimes a Merchant ſtranger will accept of Bills of Debt in payment of commodities ſold with aduantage: but then the Bill is made new againe, and in the Merchant Strangers name; and this is not without ſome danger to him that buyeth the commoditie or merchandiſe for another mans Bill, as Factors may do for their Maſters: for I haue obſerued by good experience, that a Factor in London, hauing ſold for his Maſter (a Merchant of Antuerp) ſome commodities to an Engliſh Merchant to the value of ſeuen hundred pounds, and taken the Merchants Bills payable at ſix Moneths, and ſix Moneths for it: his Maſter of Antuerp did appoint him to buy Bayes for theſe Bills of another Merchant, which he did performe, and had the value of 700 ℔ deliuered vnto him in Bayes accordingly, and the Bills were to be altered in the other Merchants name for his Bayes. Shortly after it fell out that the Engliſh Merchant became inſoluent: But before it was publiquely knowne, the Factor brought the Bills altered (according to the agreement) in the Baye Merchants name, who did refuſe to accept of them, and ſaid the Factor ſhould pay him. The Bills were tendered with a Scriuener according to their agreement, but ſtill were refuſed. The time of payment being expired, the Bay Merchant did arreſt the ſaid Factor: the matter was tried before the Lord chiefe Iuſtice of the Kings Bench by a *Niſi prius* in London, by a party Iurie of Engliſh-men and Strangers: The verdict was found for the Bay Merchant, and the Factor did pay the money, and had no remedy againſt his Maſter. The reaſon was deliuered by the Iudge, That the Common-Law in this caſe requireth a Releaſe or Acquittance for the payment of the Bayes to be made to the Factor, otherwiſe he was ſtill bound by the Law to anſwer for the ſaid Bayes.

A Law Caſe about the ſetting ouer of Bills.

This cuſtome might (with great facilitie) neuertheleſſe be eſtabliſhed in England, and would be very beneficiall to the King and the Common-wealth in generall: for albeit that the ſtrict Rules of the Law demandeth a ſealing and deliuerie of Deedes, and that the Bill cannot conueniently be made payable to the bearer of it, or be altered in another mans name as abouеſaid, neither can it be recouered by a letter of Attorney, which in England is alwaies reuocable before the fact: Neuertheleſſe, if there were a Regiſter kept of the paſſing and transferring of theſe Bills from man to man, and by an indorſement therof alſo vpon the Bil, it might be don with eaſe, & the bearer of it ſhould be acknowledged thereby to be the lawfull Attorney in Law; and by theſe means the vndecent Plea of *Non eſt factum* would be cut off. And, to preuent fraudulent dealing, if any Bils ſhould be loſt, notice might be giuen inſtantly to the regiſter (which at Lixborne and Roan is called a Prothonotarie) by meanes whereof many queſtionable parcels or payments are made apparant, and the Bills for the moſt part do remain in

To eſtabliſh this Cuſtome in England.

Office of Prothonotarie at Lixborne and Roan.

the office at the diſpoſition of the laſt Aſſigne or Aſſignes; which is the cauſe alſo, That moſt vſually Bills are made for all things bought and ſold betweene parties and parties, whereby many payments are made by Reſcounter, as if it were in banke, hereafter to be declared; for Merchants do meet, and in a manner jumpe together in their ſaid payments. And hereby alſo may the difficulty (for the taking of an acquittance as aforeſaid) be remoued, by entring an acknowledgment of ſatisfaction before the ſaid Regiſter, at the time at the transferring or regiſtring thereof. I haue taken paines to haue this to be eſtabliſhed here: but hitherto things are not rightly vnderſtood, as is to be wiſhed it were, whereby other nations haue ſtill an aduantage.

Reſcounter by Bills for payment.

CHAP. XIII.

Of the nature of Bills Obligatorie beyond the Seas, and in England.

SVch is the ſinceritie and *Candor Animi* amongſt Merchants of all nations beyond the ſeas, in the obſeruation of plaine dealing concerning the ſaid Bills Obligatorie betweene man and man, that no man dare preſume to queſtion his owne hand; for if he be ſtained therewith, he is not onely vtterly diſcredited, but alſo deteſted of all Merchants: The forme of the Bills bring as followeth, onely *Mutatis mutandis*.

¶ *Forme of Bills Obligatorie.*

I A.B. Merchant of Amſterdam doe acknowledge by theſe preſents to be truely indebted to the honeſt C. D. Engliſh Merchant dwelling at Middleborough, in the ſumme of fiue hundreth pounds currant money for Merchandiſe, which is for commodities receiued of him to my contentment, which ſumme of fiue hundreth pound as aforeſaid, I doe promiſe to pay vnto the ſaid C. D. (or the bringer hereof) within ſix moneths next after the date of theſe preſents: In witneſſe whereof I haue ſubſcribed the ſame at Amſterdam the 10 of Iuly 1622, *Stilo nouo*.

A.B.

In the Eaſt Countries, and ſometimes in the Low-countries they will put a ſeale to it, and then the word ſubſcribed and ſealed goeth together: but there is no mention made of any deliuerie or deed, for that is vnderſtood of courſe, in ſo much, that if for want of payment the Bill be put in ſuit, and the party adjourned or cited to make his appearance: the Iudge (making no doubt of any ſuch matter) will inſtantly ſay to him, My friend, what is the reaſon that you haue not payed this your Bill to C.D? for to deliuer a Writing, or a Bill as an * Eſcroll (as we ſay at the Common Law) is vnknowne vnto all merchants there, and the bringer of the Bill (called with vs the bearer of it) ſhall be admitted to recouer the ſame without any Letter or Atturney, or other Warrant.

* Called *Apocha* or *Apodiſſa* by the Ciuilians.

The Ciuile Law, and the Law Merchant doe require, that the Bill ſhall declare for what the debt groweth, either for Merchandiſe, or for Money, or any other lawfull conſideration. The words Currant Money for Merchandiſe, is, becauſe that Merchants for

Especial notes concerning Bills Obligatorie.

for diuers reſpects tollerate commonly the moneyes to goe currant at a higher rate in the courſe of trafficke, than they are valued by publike authoritie of Kings and Common-weales: And when the Bill mentioneth Money, it is taken to be Money at *depoſite* or intereſt; wherein is to be obſerued, That the intereſt muſt be joyned with the principall ſumme, without any ſpecification, whereby it may be ſeparated or diſtinguiſhed, becauſe the debtor ſhall not pretend to pay the ſame at his beſt opportunitie and pleaſure; as may (thereupon) be done for Money letten for loane, retaining ſtill the principall in his hands, and paying the intereſt from time to time, quarterly, or halfe yearely: for it is lawfull and accuſtomed, that although one hundreth pounds were taken vp for one whole yeare, after the rate of ten vpon the hundreth; the Debtor or Taker vp of it, may diſcharge the ſame at three Moneths, if he will, paying one hundreth and two pounds ten ſhillings, vnleſſe the Bill made for the ſame be made paiable at a time limited, with a penalty of a ſumme of money, called by the Ciuilians *Pœna Canonica*, which with vs in England is done vpon a Bond, with a forfeiture of halfe or double the ſumme of the principall, wherewith the intereſt is alſo joyned without diſtinction, which may not exceed the rate of ten vpon the hundreth for the yeare, in the computation whereof, diuers things are to be obſerued, as wee ſhall declare hereafter.

Now if a Bill made beyond the ſeas be done by two, three, or more perſons, as hauing bought a Commoditie as partners together, or taken vp Monies together at intereſt, wherein they binde themſelues all as principall Parties or Debtors; yet euery man is but bound to pay his part. The like is, if one be bound, and two, or more doe put their hand and ſeale, and vnder-write, and ſeale the ſaid Bill as Principals, yet paying their proportionable parts, they ſhall be cleared by the Ciuile Law, and the Cuſtome of Merchants: but if they doe ſimply ſubſcribe, and ſay we are Sureties, then they are all bound for the whole, as if the words we or either of vs *in ſolidum* were expreſſed: which is the cauſe that in all notariall writings (onely vſed vpon queſtionable matters decided, or to be decided) they doe not onely binde the parties with theſe words, but they do alſo make a declaration of all renuntiations of priuiledges, and eſpecially of *exceptio diuiſionis*, and then it is one for all. *Exceptio ordinis & excuſſionis*, is to meddle with the Sureties before the Principall: Renouncing the Letters of *Adrian* the Emperour, for the ceſſions of goods, prolongations of payments, Vintages, or free Martes, all Conſtitutions, Canons, Priuiledges, or Statues and Acts of Parliament made or to be made, publiſhed or enacted; and in theſe caſes the Debtor is alwaies to be bound with the Sureties in all Acts or Inſtruments made before Notaries. Renouncing alſo the benefit of *Senatus-conſultus*, or *Arreſt velle Ioan*, for the prerogatiue of women, which vpon the deceaſe of their husbands do claime their portion brought in by them in marriage, or their dower, or any thing elſe that may be alledged or imagined.

Subſcription of Bills Obligatorie.

Renunciation of priuiledges, and what they be.

In England, Bills obligatory being made paiable to the party, his Heires, Executors, Adminiſtrators, or Aſſignes, may conueniently be ſet ouer, as aforeſaid; becauſe the lawfull aſſigne ſhall be of Record, and regiſtred alſo vpon the Bill, and if there be two or more bound in a Bill, fraudulent dealing will be alſo better preuented; for by the Common Law, if one doe releaſe one of his Debtors (by way of acquittance) that is bound with others vnto him, they are all releaſed and acquitted thereby, although there were neuer ſo little payed of the debt: inſomuch that a receit for parcell of the money receiued of one of the Debtors, being made in full payment of his part onely, doth neuertheleſſe diſcharge them all, as for example by woefull experience may be demonſtrated.

Acquitance to one diſchargeth the reſt.

Three Linnen Drapers of London, bought of a Merchant ſtranger 40 pieces of fine Hollands Cloth, amounting to 160 ℔, and gaue their joynt Bill for the payment of it at ſix Moneths: one of them became inſoluent, and being impriſoned, made a compoſition with the Merchant for eight pounds, and thereupon had a generall acquittance made to him onely. Shortly after, the other two Linnen Drapers, being ſomewhat preſſed for the payment, and ingaged for the other, they did pleade the other

mans general acquitance, which was but a receit made of the ſaid eight pound, expreſſing that it was in full of his part; and neuertheleſſe vpon triall in law, it was adjudged to be a ſufficient diſchage for them all, in nature of a generall acquitance. Theſe obſeruations at the Common Law, and ſuch like Booke caſes as I haue put downe, I hold to be neceſſarie for Merchants to know, albeit we handle the Law-Merchant in this Treatiſe, and not matters of the Common Law. If you take beyond the Seas any Bill Obligatory for Money deliuered vpon two or three liues, or for wagers or laies, which are conditionall, let the party bee put to prooue: if vpon proofe of liues, make the Bill payable at a day certaine, vnleſſe one of the parties were dead: whereby the party is bound to pay, or elſe to prooue the deceaſe of the one: on the contrary, if you make the Bill to be payed, if they be all aliue or liuing, then muſt you prooue they be liuing. To conclude, *Abundans Cautela non nocet*. Finally, if a Bill be thirtie yeares old, and neuer demanded or queſtioned, it is void by the Ciuile Law, and the Law or Cuſtome of Merchants doth not take any knowledge thereof.

Bills Obligatory vpon two or three liues.

Chap. XIIII.

Of Letters of Credit and Blankes ſigned.

THE Credit of Merchants is ſo delicate and tender, that it muſt be cared for as the apple of a mans eie: Hence it doth proceed that Letters of Credit are had in ſuch reputation, that the giuer of them will be well aduiſed before he make them; and the partie to whom they are directed, will be carefull to accompliſh them, for it doth concerne both their Credits: The giuers Credit of the Letters, will be had in queſtion of inſufficiencie, knowne to the other that he doth not accompliſh them, or he that doth not performe them may be thonght to be weake and to want meanes to do the ſame. To make Letters of Credit, is properly a Participation of Credit to another, which is performed as followeth. A Merchant doth ſend his friend or his ſeruant (either within the Land or beyond the Seas) to buy ſome Commodities, or to take vp Money for ſome purpoſe, and doth deliuer vnto him an open Letter, directed to another Merchant, requiring him that if his friend ſuch a one, the Bearer of that Letter (being either his friend or ſeruant) haue occaſion to buy Commodities, or to take vp Monies to the value of ſo many hundreths, or ſo many thouſand pounds in that place or thereabouts; that he will either procure him the ſame, or paſſe his promiſe, Bill or Bond for it, and hee will prouide him the Money, or pay him by exchange, or giue him ſuch ſatisfaction as he ſhall require: the partie to whom the Letter is directed will accordingly do his endeauour and performe the requeſt of the other, and keepe the Letter for his aſſurance or ſecuritie, and what he doth thereupon vndertake, is made apparant by ſuch Writings or Euidences as he taketh of the ſaid Bearer of the Letter, that thereupon hee may bee well dealt withall accordingly. But if it ſhould fall out, that for ſome knowne cauſe to this party, he doth not accompliſh his requeſt contained in the ſaid Letters of Credit: then the Bearer of the ſame keepeth the ſaid Letters, and returneth them

Definition of Letters of Credit.

them vnto the giuer, without any other proceeding; vnleſſe it be in caſe where this partie is a Debtor to him that gaue the Letters of Credit, and then he muſt take witneſſes of it, and with a Scriuenor or Notary make a Proteſt againſt him, proteſting to recouer of him (by all lawfull and conuenient meanes) all the dammages, charges, and intereſt, which he or any other ſhould ſuſtaine rhereby, by reaſon of the nonperformance of the ſaid Letters of Credit, and that in time and place as occaſion ſhall ſerue; which Proteſt is a ſufficient meane amongſt Merchants, and before any Iudges of the Ciuile Law, to recouer the ſame, vpon proofe at all times accordingly. But if the partie to whom theſe Letters of Credit were directed doe make a reaſonable anſwer for his excuſe, and requireth the Scriuenor to put downe the ſame in the Act or Inſtrument of the ſaid Proteſt,; then is the cauſe conſidered withall, and the loſſes and damages may fall vpon another: for if the giuer of the ſaid Letters of Credit, were a Debtor to the other that did receiue them, to be payed by them, either by Commodities to be bought, or Moneyes to be taken vp, as aforeſaid; then the ſaid Proteſt may ſerue the receiuer of the ſaid Letrers of Credit to recouer his damages of him that gaue him the ſame: wherein the Magiſtrates will haue a great conſideration, as a matter whereby the Commerce is interrupted, which is the cauſe alſo that men muſt be aduiſed on the other ſide, not to be too raſh to affirme the goodneſſe or ſufficiencie of another mans Eſtate, Credit or Reputation, whereby a third man becommeth a loſer, loſſe being the greateſt henderer of Trafficke and Trade. The Ciuilians therefore haue a Title in their Lawes, which is ſtrictly obſerued, as you ſhall vnderſtand hereafter.

Proteſts for the non-performance of Letters of Credit.

The Signing of Blankes, is alſo a Cuſtome amongſt Merchants, whereby they ſtrengthen the Credit of their Factors or Seruants in the like occaſions, which is a matter of great confidence, conſidering th eaſie transferring of Bills alreadie ſpoken of. For a Merchant ſetting his name to a blancke paper, his Factor or Seruant hath an abilitie to wrong his Maſter many waies. Therefore ſuch as are prouident, doe reſtraine that power by certaine Couenants or Declarations, and yet the ſame (beeing knowne vnto the parties that doe make vſe of the ſaid Blankes) might become ſcrupelous thereupon to be well dealt withall, howſoeuer, we ſee what honeſt and plaine dealing is vſed amongſt Merchants, and what aduentures they beare to compaſſe their buſineſſes. A Merchant of Antuerp will ſend his Seruant at Amſterdam to buy him 500 Laſt of Corne, vpon aduice he hath that Corne is ſpoiled, or the Harueſt faileth in Spaine, Portugall, and other places: and becauſe he is vncertaine what his ſeruant can effect, doubting that other men might haue the like aduice, and preuent him; he deliuereth Blanke paper by him ſubſcribed, with order to his ſaid Seruant, that hee ſhall vpon ſuch an occaſion, write his Letter vpon the ſaid paper to ſuch a man, his Factor at Danſicke in the Eaſt-Countries, to buy for him the quantitie of Corne which he cannot buy at Amſterdam, and ſhall date the Letter, as if himſelfe had written the ſame. The Factor of Danſicke doth preſently performe the Commiſſion giuen him, and ſo the buſineſſe is accompliſhed. but in this the confidence may be as great, as in the making of Bills Obligatory, and yet the aduenture farre inferiour thereunto; for vpon theſe Blankes, there is an addition to the name, or a precedence in words, namely, Your louing friend, *A.B.* &c. which is impertinent, and not ro be vſed in Bills of debt. Herein we may conſider a neceſſitie to giue Blankes, not onely becauſe of the Maſters Credit requiſite; but alſo becauſe of the vncertainetie in the finding of the quantitie of Corne which was to be bought.

Great confidence among Merchants.

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CHAP.

CHAP. XV.

Of Letters of Attorny, or Procurations and Transports, or Conueyances.

A definition of a Letter of Atturney, &c.

A Letter of Attorney, is an Act publikely done before a Notary or Scriuenor, whereby one man giueth power and authoritie of himselfe vnto another man, by way of Deputation to doe, execute, and performe for him any lawfull thing, which he himselfe (being the Constituant) might, or may (aswell present, as absent) doe, conclude and determine in all causes Ciuile and Politick; with power also to Substitute one or more persons to do the same vnder him, in the said first Constituants name; and to sweare in the soule of him, if cause so require: albeit the said Letters of Attorney do differ in the manner and forme, as well as in the Substance, which must be obserued. They are called beyond the Seas Procurations, to procure or effect that which a man would haue commonly in another place, and in matter of Authoritie for Law Causes, they goe one degree further than Letters of Credit, because the Law doth require the same, to the end that the authority or power of the party Constituted, may publikely appeare: wherein a Letter Missiue is not sufficient, as the same is in things concerning the ordinary course of Negotiations and dealings betweene Merchants, which by the Law-Merchant are of great validitie.

Procurations irreuocable.

Procurations generally, or for the most part, containe the word Irreuocable; implying that power giuen should endure for euer, & so it is taken beyond the Seas. But by the Common-Law the words are vsed, *Pro forma*, and a Procuration or Letter of Atturney is reuocable at all times, vnlesse it be that the said Letter of Atturney doe containe a Transport of some things which is conueied thereby: As if a man do Constitute another for the recouering of certaine Monies for the parties owne proper vse, without account to be rendred for the same, and the said partie hath recouered the said monies by vertue of it. This Letter of Attorney cannot be reuoked to any purpose, the effect being fully performed which was the cause thereof. So beyond the Seas, if you make a Letter of Attorney to a Procurator in Law, to follow a cause for you in Law, although the same be made irreuocable, yet vpon good cause you may reuoke the same, and appoint another to follow the cause: but it is commonly done with leaue of the Court where the cause is consisting or depending, and because the intimations and scitations are to be done at such times as the cause may require, the nomination of some place, as it were to chuse a Domicilium must be done, but the power may be limited. An Attorney may haue authoritie to conuict a man by Law for the recouerie of mony or goods, and to proceed to execution by imprisoning of the Debtor; yet he shall haue no power to release him out of prison, without further authoritie; so in the receiuing of goods or money, wherein euery man is to vse his discretion, as the cause may require.

Procurations with a limited power.

A Merchant may also make a Letter of Attorney to a Notary beyond the seas, and thereby to giue him power to make any insinuation, or intimation, or protest, against any other Merchant there, to serue him in all occasions or occurrences concerning the matter in question. For a Procuration is beyond the seas of that validitie, that the party

party who hath the ſame, and is the Procurator, is taken in Law as abſolute as the conſtituant, and many ſundry proceedings may be vſed againſt him accordingly, by Citations, Intimations, Proteſts, Recoueries of goods deliuered formerly, and recalled back againe, or the value thereof vpon any Attachments or Sequeſtrations, which cannot be done againſt a mans Factor or Seruant: therefore they that haue Procurations are to be carefull of the diſpoſſeſſing of themſelues of any goods, or monies receiued, to be cleered by the Law, which happeneth commonly of goods taken vpon the Seas, or ſequeſtred in any Harbour, by vertue of a Letter of Attorney or Procuration. A caueat for Procurators.

The Ciuilians intreating of Procurations or Conſtitutions vnder *Titulus Mandati*, haue well obſerued, that commandements haue their originall from friendſhip, or out of authoritie of office and place, and that the ſame are diligently to be executed and kept: and hereupon they haue alſo noted diuers queſtions and propoſitions, *Nos igitur pauca tractabimus ad rem, de qua agitur, pertinentia.* The originall of *Mandata*.

A.B. willed C.D. his Debtor, to pay vnto E.F. one hundred pounds which he did owe him. C.D. did not pay the ſaid money, but promiſed to pay the ſame. *Queritur* whether C.D. hath performed the commiſſion or commandement giuen him, and whether he be diſcharged of the debt; as alſo whether this order or commiſſion can be reuoked? A.B. owing the like ſumme to E.F.? Herein C.D. hath not performed his commiſſion, which was to pay, and not to promiſe the payment of the hundreth pounds, and therefore the ſaid Commiſſion might be reuoked. and C.D. was not diſcharged of the debt, for the matter was entire, and all entire Commiſſions are reuocable. *Mandatum enim re integra, reuocari poteſt, & res eſt integra, & ſi ſtipulatio promiſſione interuenerit cum id non mandauerim.* For if C.D. ſhould breake or become inſoluent, E.F. would come to A.B. his Debtor, to haue ſatisfaction for the ſaid money, and C.D. was not diſcharged of the debt owing vnto A.B. But if E.F. had taken his promiſe for paiment, then vpon prooſe made of it, the caſe is cleere.

It is a queſtion alſo, whether a Procuratory hauing commiſſion to receiue monies which were owing or lent, and to giue an acquitance for the ſame; and receiuing the money without making an Acquitance, haue performed his commiſſion: And the anſwer is, That he hath not performed the ſame, becauſe he made no Acquittance, as he was willing to doe, *Aliud eſt enim confeßio, aliud numeratio.* Albeit the Acquittance did not concerne the Procurator, but the party who repaied the money.

Another caſe they handle at large, *Bartholomew* did make and conſtitute *Nicholas* to be his procurator or Agent, in the buying of commodities, to the value of fiue thouſand crownes; and he the Conſtituant to be anſwerable for the price and totall ſumme of fiue thouſand crownes: and withall giuing full power and authoritie vnto the ſaid *Nicholas*, that his procuration ſhould be good and auaileable, during the liues of the honeſt perſons *Ierome*, *Iohn*, and *Angell*, of whom the ſaid Conſtituant had his Commiſſion, and that they alſo together and apart *inſolidum* ſhould bee bound for the performance, and himſelfe alſo. *Nicholas* the Procurator by the commiſſion of *Ierome*, *Iohn*, and *Angell*, as alſo of *Bartholomew*, cauſed by an inſtrument (or Act paſt before a Notarie) the ſaid parties to bee named in the contract, and thereby bindeth them vnto *Titus* and *Mevius*, for the commodities bought of them to the value or ſumme of fiue thouſand crownes. But *Bartholomew* is not named in the article whereby the other parties are bound in the couenant; whereupon ſome would conclude, that for want of forme *Bartholomew* was not bound to the payment, although by Commiſſion of the other three he had conſtituted and made *Nicholas* to be the Procurator. The rule in Law being, *Quod vna determinatio reſpiciens plura determinabilia, æqualiter terminare debet.* And herein is the intention and will of all the contractors more to be regarded than the conceit of words, which cauſeth Merchants to be accounted cauillors, and to loſe much of their credit and reputation. In Procurations the will of the Conſtituant is to be regarded.

It is alſo a cuſtome amongſt Merchants, that if the Maſter (knowing that his Procurator hath exceeded his commiſſion) be ſilent, the ſame is taken for a conſent; the rather becauſe procurations (commonly running in generall words, whereby Factors are directed) doe comprehend all things which (of courſe) are to be done touching

moneyes

moneyes or payment of exchanges for moneyes.

The queſtion therefore to know whether a Procurator (hauing commiſſion to ſell commodities, or to let them to hire at a price) hath authoritie to receiue the money or hire, may be thought friuolous: for the buyer in matter of ſale of Commodities in market ouert, hath no regard to the Procurations or Commiſſions giuen to the ſeller of the ſaid Commodities.

The like may be vnderſtood in this queſtion following, Whether a Merchant (ſelling Cloth vnto an Abbot to cloath his Friers or Monkes) ſhall not be ſatisfied and paied for his Cloth, although the Abbot did diuert & imploy the ſame afterwards to another vſe? For the vſe is no matter to be regarded by the Marchant, but the payment of his Cloth. If a man buying Paper for the printing of booke, doth not print the booke, and ſelleth the paper vnto another Merchant? that is no cauſe but he muſt pay for the paper, whereof no man ought to make doubt.

Doubts in procurations by whom to be proued, &c.

If a Merchant maketh a Procurator, or by letters giueth credit to negotiate ſome buſineſſe with another Merchant; if this Merchant do take exception to the procuration and letters, and maketh doubt whether the party that brought the ſame be the right man: the Procurator is not bound to make any further proofe; but the partie excepting againſt him is to make good his aſſertion, and to proue the ſame by the Law and Cuſtome of Merchants.

Another queſtion is moued, Whether a Merchant that hath commiſſion to receiue a ſumme of money, and to pay the ſame vnto another, and beſides to pay the intereſt due vnto the partie to whom he paied that money, is bound to proue what intereſt he paied, and to whom he paied that intereſt or vſe money: it ſeemeth *Prima fronte*, that the Merchant is bound to name the partie to whom he paied the ſaid vſe money; and yet there is doubt made whether he ſhould pay it without he were compelled thereunto as a thing vnlawfull; and therefore the Commiſſion or Order the Merchant had, is not to be contradicted, but muſt be allowed without any other proofe, for this queſtion is ſo reſolued by the Ciuilians, and where the proofe is not needfull, there the nomination of the perſons to whom it was paied was to no purpoſe, according to the rule *Qui non tenetur probare, non tenetur nominare.*

Commiſſions ſubiect to Arbitrators.

It is alſo worthy the obſeruation, that generally all Ciuilians do concur in opinion, That when Merchants by their Letters or Commiſſions vſe theſe or the like words, *Let all things be done as ſhall be thought moſt expedient or conuenient*, that the ſaid Commiſſions or Directions are to bee left to the interpretation of Arbitrators when any queſtion ariſeth; which is alſo in many more queſtions concerning Merchants, noted in moſt of their Law bookes: hereof we intend (God willing) to intreat more amply in the next chapter concerning Factors and Seruants, and the Commiſſions giuen them, &c.

Procurations to continue after death &c.

The ordinary rule of Procurations in things compleat and not effected, is vnderſtood to end with the death of the Maſter or Merchant that giueth ſuch procurations, albeit there are many exceptions: for a Procuration may be made to endure after his death, which kinde of Procurations the Florentines and other nations confirme by their laſt wills and teſtaments, which neuertheleſſe are to be vnderſtood that the ſtate of an heire be not impaired thereby, wherein the Law interpoſeth her authoritie. And for a generall rule in all peremptory and abſolute Procurations or Commiſſions, it muſt be knowne that the like authority is vſed to preuent many inconueniences, hauing a vigilant care that equitie be maintained.

And that all Merchants or Procurators for Merchants, or to accompliſh the lawfull Commiſſions giuen them, and meanes thereunto being prouided, or elſe to anſwer the damages which the parties ſhall receiue by the default thereof. Thoſe therefore that without any Commiſſion do vndertake things which bring loſſes vnto the parties are much to be blamed, and by a fuller meaſure to anſwer for the ſame, or to make by gaine a recompence for the loſſes, as occaſion ſerueth.

De Conſtituto.

Some that haue written *de Conſtituto* haue moued queſtions, Whether it be lawfull to take penalties or forfeitures, if the Conſtituant doe binde himſelfe to performe or

elſe

elſe to loſe a certain ſum of mony ? Others, whether a Commiſſion ſhall be executed by an ordinary meſſenger ? Others, Whether it be conuenient to vſe the words, *You ſhall giue him full credit and truſt in what he hath vndertaken to doe ?* How long the Commiſſions ſhall endure, if there be no time limited ? And the like queſtions: which vpon due conſideration are eaſily reſolued, and in myne opinion impertinent to trouble Merchants with them. Such only as are materiall ſhall bee handled in the following Chapter.

CHAP. XVI.

Of Factors and Seruants, and Commiſſions giuen vnto them.

THE difference betweene a Factor and a Seruant conſiſteth chiefly in this, That a Factor is created by Merchants Letters, and taketh Salarie or prouiſion of Factorage: but a Seruant or an Apprentice is by his maſter entertained, ſome receiuing wages yearely, and ſome others without wages. A Factor is bound to anſwer the loſſe which hapneth by ouerpaſſing or exceeding his Commiſſion; whereas a Seruant is not, but may incurre his maſters diſpleaſure. For albeit that the Spaniſh prouerb is, *Quien paſſa Comiſſion, pierde Proviſion*, That hee that exceedeth his Commiſſion ſhall loſe his factorage: The caſe is altered long ſince by the Cuſtome of Merchants, and now it is, *Su bolca lo paga*, his purſe doth pay for it. Factors therefore muſt be very carefull to follow the Commiſſions giuen them, very orderly and punctually; and becauſe Merchants are not able to preſcribe euery thing ſo exactly vnto their factors as is conuenient, it behoooueth them to make good choice of the perſons which they doe employ, for their welfare dependeth vpon traffique: otherwiſe the Factor groweth rich, and the merchant poore, becauſe his gaine of factoridge is certain, howſoeuer the ſucceſſe of Merchants employment doth proue. But hauing a good factor, which word Good implyeth all and more than an honeſt Factor, who may be honeſt, and neuertheleſſe ſimple in his proceedings, and others alſo may be wiſe and not honeſt. This good Factor therefore may be truſted, and all Commiſſions giuenvnto him may be ample, with addition of theſe words, *Diſpoſe, doe, and deale therein as if it were your owne.* And this being ſo found, the Factor is to be excuſed, although it ſhould turne to loſſe, becauſe it is intended he did it for the beſt, according to his diſcretion, which is and ought to be the trueſt director, making a conſcience to ſee their maſters loſſe, if they can preuent it; but being limited to the contrary, they can but grieue, when their counſell and aduice doth not take place, either in the ſelling of commodities in time, foreſeeing a greater loſſe, or buying ſome commodities deare ouer haſtily, alſo in keeping a commoditie without purloining the ſame; ſometimes vpon a paſſionat humor, as a Merchant of Amſterdam did of late yeares, to his Factor in London; for being a loſer by ſome Spaniſh Wines, by writing in theſe words, My will is, That vpon the receit of this my Letter, you go to the next Ironmonger and buy a hammer, and run into the Cellor, and ſtrike out the heads of all the Butts of Wine, and let it run into the cellors: for ſeeing the diuel hath eaten the horſe, let him haue the bridle too. The Factor did herein vſe his diſcretion, and kept the wines, which he afterwards ſold to benefit; for he remembred, That loſers haue leaue to ſpeake.

Alteration of the caſe with Factors.

Ample Commiſſions with an addition.

A Paſſionate Commiſſion.

Factors do deale moſt commonly for diuers men, and euery man beareth the haſard

Difference by Law between a Factor and a Seruant.

Difference by Law between a Factor and a Seruant.

of their actions. But if a Seruant do deale for others by his masters direction, & they breake, the Seruant can be no loser, for he is taken to haue no other credit but his masters: which is the cause that Intimations, Citations, Attachments, and other lawfull courses are executed against Seruants, and take no place against Factors, vnlesse they haue Procurations.

Now let vs set downe such obseruations as Factors ought to know.

¶ *Obseruations concerning Factors.*

Commodities bought and sold.

IF a Factor do sell at one time vnto one man seuerall parcels of Commodities or goods belonging to diuers mens Accounts, to be paid jointly in one or more payments, without any distinction made by the buyer for what parcels he paieth any sum in part of paiment of the said debt, weekly or monethly as shop-keepers do, then is the said Factor to make a proportionable distribution of the monies so receiued vpon euery mans account, according to the sum that euery mans parcel did amount vnto, vntill all be payd: and if any losse doth happen, or that all be not payd, the said losse is to be distributed vpon euery mans Account accordingly.

If a Factor do sell afterwards more goods to the said man, or any other who is alreadie indebted for other Commodities formerly bought as aforesaid, be it for his owne account, or other mens accounts, and in the interim receiue some more monies in part of paiment and account betweene them; then is the said Factor to distribute the said monies as before, vntill the said old and precedent debt be first paid, vnlesse there were cause of controuersie for them, or that the payment were indorsed vpon the Bill made for the later goods sold vnto that man: for that Bil may be transferred or set ouer vnto another man, and so is not he the receiuer of that mony, but the other man.

If a Factor do sell goods to another man, payable at time for his own Account, and receiueth the mony for the same at the time of payment, and in the meane time letteth other mens monies remaine in that mans hands vnpayd, for Goods by him formerly sold, this Factor is to be answerable for that mony vnto those other men, although he should neuer recouer one peny of it. For he cannot without fraud beare with the non paiment of other mens monies after they be due, and procure the paiment of his owne money, to another mans losse and preiudice.

In like case, if a Factor do sell vnto a man certaine goods of another mans account, either by it selfe, or amongst other parcels, and this Factor giueth not aduice vnto the owner or proprietarie, of the sale of the said goods, but afterwards (hauing had more dealings with that man, in selling of goods, and receiuing of monies) this man becommeth insolvent; the Factor is to make good that debt for the said goods so sould, because he gaue no aduice to the owner of the sale of the said goods at conuenient time, euen as if he had sold those goods vnto a man contrarie to the Commission giuen vnto him; for the salarie of factoridge bindeth him thereunto.

If a Factor by order or Commission of a merchant do buy any commodities aboue the price limited vnto him by the said Merchant, or that they bee not of that sort, goodnesse, or kinde as he is willed to buy; this Factor is to keepe the same for his own account, and the Merchant may disclaim the buying of them. The like he may do if the Factor, hauing bought a commoditie according to his Commission, do ship the same for another place than he hath Commission to do.

If a Factor do sell a commoditie vnder the price limited vnto him, hee is to make good the losse or difference of the price, vnlesse he can giue a sufficient reason of his so doing: wherein he is to consider the disposition of the merchant for whom he deales, as is before noted.

If a Factor buy commodities according to his Commission, and afterward the price of them riseth, and thereupon fraudulently he ladeth them for another place, contrary to his Commission, to take the benefit thereof, in this case the merchant shal recouer dammages against the said Factor by the custome of Merchants, vpon proofe made thereof.

If a Factor by the aduice of a Merchant do buy a Commoditie for that Merchants account, with the ſaid Merchants mony, or by his credit, and the Factor giueth no aduice of it to the ſaid Merchant, but doth ſell the ſame againe for his owne benefit and gaine; the Merchant ſhal recouer this benefit of the ſaid Factor, by the office of Prior and Conſuls, according to the Cuſtom of Merchants, and ſhall be moreouer amerced for his fraud.

If the Factor do ſell another mans commoditie to a man diſcredited, who cannot vſually (as before) buy commodities at the ordinary price, as other men, and it falleth out that this man breaketh; the Factor ſhal pay for the ſaid goods, as ſhal be thought they were worth; vnleſſe he can proue that he was ignorant of the parties weak eſtate and credit, or that he ſold him goods of his owne account alſo, which argueth plaine dealing, or that he had commiſſion of the other man to deale for him, as if it were for his owne proper goods, as hath been declared. And yet in this caſe hee cannot barter any of the ſaid commodities for other commodities, but he muſt haue expreſſe commiſſion and order for it from the Merchant; neither can hee transferre or ſet ouer any Bills Obligatory in nature before declared. For albeit this manner of Commiſſions giuen to Factors is very large, yet it containeth certain reſtrictions and limitations, in euery Merchants vnderſtanding.

Barter.

Bils of Debt.

If a Factor ſhall by a falſe entry in the Cuſtome houſe, either vnawares or of purpoſe, conceale part of the Cuſtom, without conſent or priuitie of the Merchant, whereby the goods become forfeit to the Prince; the ſaid Factor ſhall beare the loſſe of them, and anſwere the value thereof vnto the Merchant, as they did coſt, if it bee for goods to be tranſported; or as they might haue bin ſold, if it be for goods to bee imported.

Cuſtomes.

If a Factor or Merchant do colour the goods of Merchant ſtrangers, in paying but Engliſh cuſtoms (although he did beare the aduenture of the ſeas for the ſaid goods) he runneth into a *Præmunire*, and forfeiteth all his goods vnto the King, and his body to perpetuall impriſonment.

If a Factor, by a Letter of aduice, or by an Invoice of commodities which the Merchant ſendeth, doth make a ſhort entry into the Cuſtome houſe, the goods not entred ſhall be loſt, but the Factor cannot be charged with the ſame.

If a Factor make returne vnto a Merchant for the prouenue of his Commodities ſold, in prohibited goods which may not be tranſported, & haue no commiſſion from the Merchant to do the ſame; he ſhall beare the loſſe of thoſe goods, if they be ſeiſed vpon for the King, or taken as forfeited. But if it be vpon commodities to be imported, the Factor is in no fault; howbeit he ought to giue aduice to the Merchant, what commodities are forbidden to be imported or exported, according to the pleaſure of Princes, which are abſolute Gouernours in their Hauens, Harbours, Ports, or Creeks.

Prohibited commodities.

If a Factor commit any vnlawfull act by the direction of the Merchant, bee it for the tranſportation of gold or ſiluer into the parts beyond the ſeas, or otherwiſe; and if it happen thereupon that the ſame be taken, the Merchant beareth the loſſe: and yet the Factor is ſubiect to pay treble damages by the Law, if it bee followed within the yeare; or may be fined for the ſame in the Star-chamber, although it be many yeares after.

Monies.

If a Factor do pay money for a Merchant (without commiſſion) to another man, it is at his perill to anſwer for it: and if he deliuer another mans money at intereſt, and take more than the toleration of the Statute (which is ten in the hundred by the yere) whereby the ſaid Statute againſt Vſurie taketh hold of him, and the mony is loſt; the ſaid Factor is to bee charged therewith, and to make good the money vnto the Merchant.

If a Factor, hauing receiued other mens goods or monies into his cuſtodie, be robbed of the ſaid goods and monies, he is to beare the loſſe, and to make good the ſame vnto the Merchant; but not in caſe where the vnmerciful elements of Fire and Water ſhall deſtroy the ſaid goods or monies, or where a towne is ſacked or pilled: which is alwaies to be born by the owner or proprietary of the ſame.

Loſt goods.

Damnified Commodities.

If a Factor buy a commoditie, which afterward becommeth damnified by ſome accident or caſualtie, whereby the Merchant (for whoſe account hee bought the ſame) becommeth a loſer; that Factor is not to be charged with any part of the loſſe. But if the commodities were damnified before, then he is to beare ſome part of the loſſe, although it hapned to be knowne afterwards. A Factor bought for a Merchant of Amſterdam one hundred tunnes of Allomes, which came from Civita Vecchia, laden with ſome Candia oile, whereof ſome part was ſpilled vpon the ſaid Allome; afterwards the ſame being mingled together, was ſold and tranſported to Amſterdam, and there ſold to the Dyers of Harlem, Amſterdam, and Roterdam; who vſing the ſame, found their cloth ſtained in diuers places; for where the oile touched, there the Colour could not take, ſo that they became great loſers, as appeared by diuers teſtimonies. The Factor did thereupon demand reparation of damages of him who had ſold him the Allome, and the Merchant did the like of the Factor, for there was aboue 300 ℔ loſt. Whereupon the matter was much debated amongſt Merchants both here and beyond the ſeas, and they did deliuer their Parecer or opinions in writing, and being found that the Factor had knowledge that ſome oile was ſpilled vpon the Allom, and neuertheleſſe bought the ſame, he was adiudged by the ſentence of Merchants, to pay the one halfe of the ſaid loſſe, and the other halfe was borne betweene the Dyers and the ſaid Merchant of Amſterdam: and he that ſold the Allomes was cleared and fully payd. So that in theſe caſes the circumſtances and accidents are to bee conſidered.

The Parecer of Merchants.

Loſſe by money.

If a Factor do receiue mony for other mens accounts, which afterward are decried, or ſome loſſe doth happen by exchanging the ſame, bee it vpon Copper monies, or light gold taken for Merchandiſes ſold; euery man is to beare that loſſe proportionably according to his ſum, and the Factor is to ſuſtaine no damage thereby, vnleſſe it were for falſe coine by him receiued, which he is bound to know.

Letters of Credit.

If a Factor be required by a Merchants Letter of Credit, to giue credit vnto others, he muſt looke very preciſely to obſerue the ſame accordingly: which Letters of Credit are either ample, or reſtrained to certaine conditions and limitation of time, place, perſons, ſummes, and many other circumſtances. If they be ample, then is it dangerous for the giuer of the ſaid Letters of Credit, and may alſo procure a loſſe to fall vpon the Factor; wherein conſideration muſt be had both wayes. Suppoſe A. B. of London writeth his Letter to C. D. of Antuerp in theſe words; *If E. F. of Amſterdam, or any other of my Friends there, draw by exchange vpon you any ſummes of money; it may pleaſe you to follow his and my friends order: I will be your warrant for all, and haue a care that all ſhal be accompliſhed orderly.* C. D. of Antuerp the Factor, in this caſe doth accept from time to time many Bills of Exchanges, and payd them accordingly, and taketh vp the money (by the direction of E. F. of Amſterdam) for Spain and other places; and ſo continueth the ſame for a long time, by way of rechange from one place to another, vpon the ſaid credit of A. B. of London. At laſt this Factor C. D. becommeth ſuſpitious, becauſe of this long continuance of Mony by exchange and rechange, and writeth vnto the ſaid A. B. of London, to know whether he is contented to continue his former credit by him giuen to E. F. of Amſterdam? A. B. continueth the ſame, but with a limitation to a certain ſum, not knowing what ſum of mony the ſaid C. D. was ingaged for the ſaid E. F. of Amſterdam, for C. D. gaue him no notice of it at that time: hereupon it falleth out, that E. F. of Amſterdam becommeth inſolvent, and being much indebted to C. D. the Factor of Antuerp, this Factor requireth his ſatisfaction at the hands of A. B. of London, according to the former Letter of Credit. A. B. doth anſwer, That he had reſtrained and limited the ſaid Credit to a certaine ſum, which indeed did cut off all former matters, ſeeing C. D. gaue him no notice of the moneyes owing before, and A. B. was only to anſwer for the money which was taken vp by the ſecond Letter of Credit, according to the ſum limited; otherwiſe A. B. had bin cleared of all. But if C. D. did continue thoſe monies by exchange and rechange, vpon the credit of A. B. and the Factor (with whom he had correſpondence) doth become abſoluent, and thereby C. D. the Factor is damnified and payeth the monies running

Exchange and Rechange.

Limitation of Letters of credit.

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by exchange, or is bound to pay the ſame, this Factor is to be ſaued harmleſſe by A. B. becauſe hee tooke vp, or cauſed to be tooke vp the ſaid Monies originally: ſo that his credit was the efficient cauſe of it, and the Factor is to be regarded heerein in all reaſon. The Efficient cauſe alwaies to be regarded.

If a Factor doe accept Bils of Exchanges of a Merchant, with order to rechange the ſame againe vpon him, or to take it vp by exchange for another place or places, where he the ſaid Factor ſhall finde it to be for the moſt benefit of the Merchant: if this Factor take vp the ſame according to his beſt skill and knowledge, although it be found contrarie to the Merchants intention, the Factor is not to be charged, and the Merchant is to ſaue him harmleſſe for the principal, with exchange, rechange, and all charges of factoridge.

If a Factor do make ouer Money for another mans account by exchange vnto another man or Merchant, before he hath notice that this Merchant is broken, & the bils of Exchange are not due; this Factor hath authoritie to countermand the payment of this Money, although the party vpon whom this Bill of Exchange is directed, had accepted the ſame. And if the ſaid party ſhould pay the ſame before it was due, he is to repay the ſame againe to the ſaid Factor, as hauing payd it to his owne wrong, contrarie to the cuſtome of Merchants in exchanges.

If a Factor do fraight a ſhip for ſome voyage to be made, going and comming, for a Merchants account, and by his commiſſion and order, whereof a Charterpartie of fraightment is made by Indenture betweene him and the Maſter of the ſhip; this Factor is liable for the performance thereof, & to pay the fraight of all things accordingly. But if the ſhip be only fraighted outwards, and the Factor ladeth the ſame with ſome goods, then theſe goods are liable for the fraight, and the Maſter can demaund nothing of the Factor by the Charterparty, but muſt look to be payd by the party that receiueth the goods, according to the Bill of lading; whereby it is conditioned, That the fraight ſhall be payd vpon the receit of the ſaid goods. And ſo is it alſo if a ſhip be fraighted to go to diuers parts, as it were bound from one place to another, and to be free in the laſt place of his diſcharge: for the Maſter muſt ſtil haue an eye to be ſecured by goods, vnleſſe there were an expreſſe condition made in the Charterparty to the contrary, or that the ſhip were fraighted by the great for a certaine ſum of money to be payd by an agreement. Fraighting of ſhips. Bils of lading.

If a Factor do fraight a ſhip for another man, or for his owne account, and when it comes to the place appointed to vnlade, there are no goods to relade the ſame, or there wanteth mony for the lading thereof; if the Maſter do not ſtay out al his daies of demourer, agreed vpon by the Charterparty of fraightment, and make a Proteſt againſt the party that hee was conſigned vnto, to giue him his lading within that time, but commeth away before that time be expired, and although hee maketh a Proteſt, for that he is not laden; yet the Factor is to pay him no fraight at all, vnles for the fraight outwards it were conditioned by the Charterparty. But if the Maſter do ſtay out his time, then the Factor is to anſwer the Fraight, although the Maſter had laden his ſhip with Salt for his owne account: for if the ſaid ſhip had been laden only with Salt by the Merchant which it may be would not pay halfe the fraight, yet the Factor or Merchant may at their pleaſure abandon the ſame to the Maſter for his fraight, & the Maſter can demand no more of the Factor by the Charterparty. But if the Maſter doth take in Salt, and lades his ſhip by his owne meanes, before the dayes of demourer are expired, and that by ſome condition made with the Factor, he may claim fraight: then the Factor is to haue the benefit of the ſalt in defalcation of the ſaid fraight. Proteſt for not lading. Goods to bee abandoned for the fraight.

If a Factor doe fraight a ſhip for a Merchant, and afterwards the ſaid ſhip is taken to ſerue the King for ſome few daies, within the time agreed vpon for the lading; and hereupon the Merchant diſclaimeth the fraighting of the ſaid ſhip, albeit the Factor did proceed to lade the ſame: In this caſe the Factor ſhall not beare any loſſe; but what dammage ſhall be adiudged to the Maſter, the Merchant is to ſaue the Factor harmleſſe of it.

If a Factor do hire a ſhip by the moneth for another Merchant, or for his owne account,

count, and ladeth the ſame being ready to depart; afterwards the King makes a generall Embargo or reſtraint vpon all ſhips for a time; the Maſter cannot demaund any fraight of the Factor for and during the ſaid time of arreſt: and if the ſhip be vnladen again, and imploied in the Kings ſeruice, the Factor is free of all agreements or Couenants with the Maſter.

Mony giuen for fraighting.

If a Factor do receiue a ſum of mony of the owners of a ſhip, in conſideration that he fraighteth the ſaid ſhip for a voyage, promiſing to repay the ſaid money at the returne of vhe ſaid voiage: if the ſaid Factor hath fraighted this ſhip for another mans account, this Merchant is to haue the benefit of this mony during the time; and if the Factor conceale the ſame, he is to repaire the damage thereof, which is to be conſidered both for the intereſt, and aduenture of the ſeas, for the ſaid owners beare the ſame: and it is ſuppoſed that the Merchant would haue aſſured ſo much the leſſe, or (by employing that mony toward the lading of the ſhip) he ſhould diſburſe ſo much mony leſſe to make the ſaid voiage; and it may be thought, that in regard of that mony, the fraight is made the greater, whereof the ſaid owners of the ſhip haue had a conſideration, by diſburſing the ſame.

Aſſurance.

If a Factor bee required to make aſſurance for a Merchant vpon a ſhip or goods laden for a certaine voiage, and haue monies in his hands to pay for the *Premio* or the price of Aſſurance; and this Factor doth neglect the ſame, and giueth no notice of it to the Merchant, who might haue made aſſurance in another place, and the ſaid Ship or goods do periſh at the ſeas: this Factor is to anſwer the damage, vnleſſe he can giue ſome ſufficient reaſon for the non performance of the ſaid Order or Commiſſion.

Compoſition made without order.

If a Factor hauing made aſſurance vpon goods laden, which afterward are taken by the enemy, maketh any compoſition with the Aſſurers for the ſame, without Order or Commiſſion for it, he is to anſwer the whole Aſſurance to the Merchant. A Merchant cauſed a ſhip to be fraighted and laden with Commodities for Conſtantinople by a Factor of London, himſelfe dwelling at Antuerp, and being a ſubiect to the King of Spain in the late Wars, cauſed 2000 ℔ to be aſſured at London vpon the ſaid goods; the ſhip and goods was taken by the Gallies of Sicilie, and brought to Palermo, where it was proued that the goods did appertaine to the King of Spain his ſubiects, but that there was 2000 ℔ aſſured at London by Engliſh merchants, their Enemies in thoſe daies; pretending thereupon to take the ſaid goods for forfeited, or ſo much of them as ſhould amount to the ſumme ſo aſſured. Hereupon the Aſſurers, hauing intimation from the Factor of it, deſired to make ſome compoſition, to auoid that danger, whereby the goods alſo might be ſooner cleared, and the poſſeſſion obtained for the Owner and proprietarie thereof, which was the merchant of Antuerpe, wherein expedition was required. The Factor, in regard of the ſaid expedition, did not ſtay to receiue an anſwer from the merchant what he ſhould do, but maketh a compoſition with the Aſſurers, for 60 ℔ for the 100 ℔ to be paid inſtantly. The goods were afterwards all recouered, whereof ſo much as had bin aſſured, was formerly relinquiſhed vnto the Aſſurers, for the Merchant would not condiſcend to make any compoſition with the Aſſurors. So that the Factor did beare the aduenture to loſe 2000 ℔ for ſome 1200 ℔, which he had receiued, if the goods had not been recouered: and therefore the ſaid Factor tooke to himſelfe the benefit of this Compoſition, by the aduice of the experienced Merchants.

Accounts.

If a Factor by error of account do wrong vnto a merchant, he is to amend and make good the ſame, not only for the principall, but alſo with the intereſt for the time. So on the contrary, if a Factor for his own wrong haue forgotten to charge the Merchants account with ſome parcels paid out for him, or made ouer by exchange; the merchant is to anſwer for it with intereſt for the time. In theſe precedent obſeruations are compriſed all other caſes of differences which may happen betweene Factors and Merchants.

CHAP.

CHAP. XVII.

Of the beginning of Sea Lawes.

HAuing in the former Chapters methodically intreated (as alſo in this hitherto) of the matters therein intended; neuertheleſſe according to the Contents of them, the matter being of ſeueral natures, runneth promiſcuouſly, but in the end will performe the worke. For as the roundneſſe of the Globe of the world is compounded of the Waters and the Earth; ſo this worke of the Law Merchant cannot be compleat without the Sea Lawes, ſo called (Lawes) becauſe they are written and knowne: for without Nauigation, Commerce is of ſmall moment, ſo that the Land affaires ſhall be intermixed with Sea-faring matters accordingly.

Some do attribute the firſt making of Sea Lawes to the Phœnicians and Carthaginians, becauſe *Pliny* doth aſcribe the Art of Sailing vnto them. But by the moſt antient Records the beginning muſt be from the inhabitants of the Iſland of Rhodes, ſcituated within the Mediterranian ſea, who were moſt famous for ſhipping and ſailing, (as *Strabo* hath written) and ſurpaſſing all Nations in the knowledge of equitie in maritime cauſes: and the Mediterranian ſea was for aboue one thouſand yeares onely ruled by their Law, called the Rhodian Law, although augmented with ſome additions by the Romans. Rhodian Law

At laſt (as ſome haue recorded) when all ſorts of Lawes by the euerſion and lacerating of the Roman Empire were in a manner buried, the Rulers of Rome in the yeare 1075 made new ſea Lawes and Statutes, and ſo did euery chiefe Seafaring towne vpon the ſaid Mediterranian coaſt, adding thereunto other Ordinances. So did they of Marſeilles in the yeare 1162; Genoa in the yeare 1186; they of Peloponeſſus called Morea, in the yeare 1200: the Venetians in the yeare 1262; *Conſtantine* 1270; *Iames* King of Arragon the ſaid yeare; *Peter* King of Arragon 1340; and they of Barſelona 1434: which Lawes are collected and extant vnto this day. But on the great Ocean ſeas the firſt Lawes were made by the inhabitants of the Iſland of Oleron, ſcituated on the ſea coaſt of France neere S. Martin de Rea, againſt the Riuer of Charante, which was called *Le Roll d'Olleron*: by which the controuerſies on that coaſt were determined, and the ſaid Lawes were afterwards diſperſed and brought in vſe in England and the Low-Countries: whereupon diuers Statutes both in England and Scotland haue been inacted for Seafaring buſineſſe; and in like maner diuers ordinances in the Low-Countries, eſpecially ſince their fiſhing trade began. The Law of Oleron.

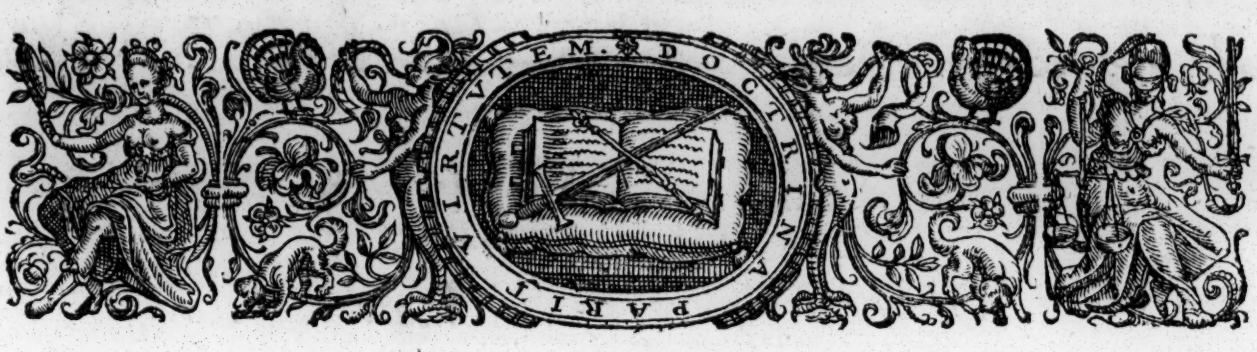
Edward the third, King of England, cauſed with the aduice of diuers men of knowledge and experience in maritime cauſes, diuers Articles to be ſet downe, and theſe were inrolled and obeyed for the gouernment of the Admirall Court. And the French King *Iohn* made his Contracts with King *Edward* accordingly, concerning the fiſhing trade, as by the Records extant in the Tower of London (where I haue ſeen them) may appeare. Admiraltie Court in France.

Francis the French King, and *Henry* the third of France, haue made ſome Statute-

Lawes

Lawes concerning the Courts of Admiraltie; but the ſubſtance of all doth concurre and agree with the Lawes of Oleron, whereof we ſhall intreat more hereafter.

Frederick the ſecond, King of Denmarke, at a Parliament holden at Coppenhauen in the yeare 1561, hath abridged, as alſo ſet downe certaine Acts or Statutes for the ruling of Sea matters, but for the moſt part agreeing alſo with the ſaid Lawes of Oleron, which you ſhall finde in this Treatiſe ſet downe vpon euery occaſion offered vnto me, to make application of them in the Chapters following.



CHAP. XVIII.

Of the manner of Proceedings in Sea-faring Cauſes.

ALl controuerſies and differences of ſea-faring Actions or maritime cauſes ought to be decided according to the Sea Lawes, which tooke their beginning from Cuſtomes and Obſeruations; and from them is the interpretation of the ſaid Law to be taken. And if any Caſe ſhall fall out that was not knowne before, neither written downe and authoriſed as a Law, then the ſame is to be determined by the Iudge, with the opinion of men of experience and knowledge in the ſaid ſea-faring Cauſes. And herein is all conuenient expedition required, that the matter may be ſummarily and briefly determined, eſpecially in caſes of ſhipwracke, wherein delayes or protractions in Law is a crueltie to vex ſuch afflicted perſons.

Therefore to preuent appellations, preſent execution and reſtitution of goods is vſed in cauſes of ſpoile, vpon caution firſt found by the ſpoiled, to ſatisfie the condemnation to the Iudge, if there be iuſt cauſe found of appellation: and to this end alſo it is permitted, that witneſſes of the ſame ſhip may be examined, although the aduerſe party be not called thereunto, merchants & mariners ſailing together in one ſhip may beare witneſſe each to other, and mariners againſt the Maſter, when they are free and out of his command.

Witneſſes in cauſes Maritime.

The plaintife is to finde ſureties to pay coſts and damages if he do fail in his proof; and the defendant is to be put in caution to ſatisfie the ſentence, *Iudicium ciſti, & Iudicatum ſolvi.*

If the Defendant doth ſtand out, or commit a contempt by not appearing to defend himſelfe or ſhip, or things challenged; the Iudge of the Admiraltie may (after foure defaults entred) deliuer the poſſeſſion of the ſaid ſhip, or any other thing, or part thereof, to the Plaintife, putting in ſureties for one yere and a day; and if the party appeare not within that time, then the propertie is finally adiudged to the Plaintife. And if he do appeare within the time, offering to pay the expences, and putting in caution to obey and performe the definitiue ſentence, he ſhall be admitted. But this Caution or ſureties are liable abſolutely for all from the beginning, and cannot bee diſcharged, as the Baile may be at the common law, bringing in the party at conuenient time. Summons and citation are not needful, where the ſhip or goods in queſtion are forthcomming, but may be done in the ſame place where it lieth, or the goods are found.

Difference betweene caution in the Admiraltie, and baile at the common Law of England.

If any man be arreſted or troubled for the like matters, he is preſently to be diſcharged vpon ſureties, and eſpecially Mariners, becauſe they ſhal not be hindered of their voyage: which he may do with ſo much goods, or the value therof, as he hath on ſhipboord, at the Iudges diſcretion: becauſe otherwiſe trafficke and commerce is hindred.

CHAP.

CHAP. XIX.

Of buying and ſelling of Commodities by Contract.

THE buying and ſelling of Commodities by Contracts may bee diſtinguiſhed three manner of wayes, namely, Regall, Notariall, and Verball.

Regall Contracts called by the Civilians ſolemne.

The Regall Contracts are made betweene Kings and Princes, and Merchants, which cauſed the Kings of Portugall to be called Royall Merchants. For whereas the Venetians had the trade for Spices and other Commodities of the Eaſt Indies; the Portugals vpon the diſcouerie of thoſe parts by Nauigation did bereaue the Venetians of that Trade, as by the revolution of time, other Nations haue almoſt compaſſed that trade of Spices, and taken the ſame from the Portugals. The Kings of Portugal had alwaies the one moitie of the Pepper by way of Contract, and for that they would contract againe with the Germanes, or other principall Merchants of other nations and of their owne, to deliuer the ſame vpon a price agreed, vpon the arriuall of the Carrackes at Lixborn, according vnto which it was ſold again with reputation to other merchants, and diſperſed into diuers countries; and ſo was it alſo done for Cloves and Mace, and ſometimes for Indico, and the payments were made by aſſignation in the Bankes of Madrill, Lyons, and Bizanzon, and ſomtimes at Florence and other places: hereupon was the Contraction houſe at Lixborn erected and named accordingly, where the ſaid Spices and Commodities are brought and ſold againe.

Such are the Contracts which the King of Spaine doth make with Merchants for the prouiſion of Corne for his townes in Africa vpon the coaſts of Barbary, as Ceuta, Moſegam, Tangere, and other places, the payment whereof hath been made again by Pepper, vpon ſome eſpeciall Contract, and the Merchants haue thereupon alſo made other Contracts with Merchants of the Low-Countries to deliuer them that Pepper at Amſterdam, and to take corne in paiment. But the caſe is ſince altered by the incorporating of the Eaſt-India Trade.

Such were the Contracts made by the French King *Henry* the third, with the great Merchants of Italy, called *Le graund Partie*, for Salt, which they by authoritie did ingroſſe for the King, and brought alſo from other countries by ſole permiſſion, cauſing euery houſhold in all France to take a proportion yearly, or to pay for it, whether they had occaſion to vſe it or not; which was an Italian inuention, and for this they payd by Contract vntò the King 600000 pounds ſterling (beeing two millions of French Crownes) yearely.

Such were the Contracts which Queene *Elizabeth* of bleſſed memorie made with Merchants of London, for the prouiſion of victuals and apparell for the ſouldiours in Ireland, during the late Warres with the Earle of Tyrone, which did amount to very great ſummes of money; inſomuch that the ſeuerall Contracts for Apparell came to ninety thouſand ſuits of apparell, as I haue ſeen by the Records and accounts extant in his Majeſties Court of Exchequer.

All theſe and ſuch like Contracts are made by Commiſſions granted for that purpoſe to ſome great officers of the Kingdome, who haue thereby authoritie to contract for the ſame with Merchants and others.

Notariall contracts called Publicke.

Notariall Contracts haue partly dependance vpon the ſame; for when thoſe Merchants which haue contracted with Kings or princes, are to prouide ſuddenly thoſe things which they haue contracted for, or to diſpoſe of the commodities which they haue bought or ingroſſed into their hands: Then they deale with other Merchants, eito prouide them of ſuch commodities, or to ſell them ſuch as they haue bought. And theſe contracts are made by publique Acts or inſtruments before Notaries, to the end that all things agreed vpon on either ſide may be duely accompliſhed. And in theſe great Contracts beyond the ſeas, the payments are (the moſt part for great ſummes) made in Banks alſo, becauſe of the commodiouſneſſe of it, as you ſhall note hereafter. Beſides this, many Merchants do make Contracts, and paſſe them likewiſe before Notaries or Scriueners, becauſe that things contracted for may require time to effect them. As for example, a Merchant Aduenturer ſelleth vnto a Merchant of Middleborough two or three hundred Clothes of knowne marks (whereby the goodneſſe is alſo knowne) at a certain price, the packe of ten Clothes, to be deliuered at Middleborow from time to time, during the ſpace of ſix moneths, and the Middleborough merchant doth agree, that for the payment of theſe Clothes he will ſend to the Merchant Aduenturer Linnen Cloth, and diuers other Commodities to be ſold in London, to pay himſelfe as aforeſaid; which commodities are alſo ſent from time to time, within the compaſſe of the ſaid time of ſix moneths, and the reckoning betweene them ſhall run accordingly. Hereupon a Contract is made in writing before a Notarie publique, and

Conditions of a Merchants Contract.

therein diuers conditions are to be ſpecified and obſerued. Firſt it is agreed, that concerning the price of the Clothes ſold, amounting to ſuch a ſum ſterling money, called lawfull money of England, there ſhall be giuen for euery twenty ſhillings or pound ſterling, ſo many ſhillings and pence as they ſhall agree, according to the price of Exchange amongſt merchants, and theſe are ſhillings and pence Flemiſh mony, whereof there is 35, or 36 ſhillings, or 35 ſhillings and ſix pence, or 36 ſhillings and 8 pence giuen or allowed in account betweene them for twenty ſhillings ſterling, and ſo after the rate for ſo many hundred pounds or thouſand pounds as the Clothes may amount vnto. Secondly it is agreed, That the Merchant Aduenturer ſhall beare the Aduenture of his Clothes, and deliuer them vpon his aduenture, charge, and danger of the ſeas, with all caſualties, vnto the Middleborough Merchant, within the town or ware-houſe of the Merchant there: and likewiſe that the Middleborough Merchant ſhall beare the aduenture of his Linnen cloth, and other commodities, anſwer the Kings cuſtomes, and all charges incident vpon the ſaid commodities, vntill they be freely taken vp into the Merchant Aduenturers ware-houſe here. Thirdly, it is agreed between them (theſe forrein commodities being ſold payable at times of paiment) that if any bad debts ſhould be made thereby, either the Middleborough merchant is to beare the loſſe thereof, or elſe the merchant Aduenturer doth take the haſard and aduenture of it vpon him, for the conſideration or allowance of double factoridge, or two vpon the hundred. Fourthly it is agreed between them, That if the payment of the commodities of the Middleborough Merchant be not made within the time of ſixe moneths, according as the Clothes were ſold; then the Merchant Aduenturer is to haue allowance for the mony by him not receiued within the time, after the rate of ten vpon the hundred for the yeare. Laſtly, (becauſe the Merchant Aduenturer takes pains in the ſelling of the merchandiſe and commodities of the Middleborough Merchant to pay himſelfe) it is alſo agreed vpon, that the merchant Aduenturer ſhall haue allowance of factoridge for it, after the rate of two *pro Cent.* which he ſhould haue giuen to another Factor to ſell the ſame for him. This is the ſubſtance of a merchants con-

Defective contracts.

tract, wherein it ſeemeth all things haue bin well conſidered and agreed vpon; yet the principall matter for good and ſure dealing is omitted, which is not only to couenant that the Middleborough merchant ſhall ſend him good and merchantable Wares or commodities to make mony of, or to ſell to good cuſtomers that will make him good payment; but eſpecially, That the merchant Aduenturer ſhall not bee compelled to ſend him more Clothes than the value of the commodities receiued ſhal amount vnto from time to time. And further, if he do not ſend him within the time the quantitie

of

of commodities requiſit to pay himſelfe for ſo many Clothes; the ſaid Middleborow Merchant ſhall pay him the damages ſuſtained by the employment of his money in Clothes, or a certain ſumme of mony agreed vpon between them for the non-performance thereof.

In like manner a London Merchant doth contract with a Merchant ſtranger heere, and buyeth of him a certaine Commoditie, whereof the goodnes is commonly known by the marke, or otherwiſe by the Fabrica or making; as Veluets, Sattin, Silkes, Fuſtians, or other commodities to be here deliuered vnto him by ſuch a day, or within ſo many moneths, at the price agreed vpon between them, with the manner of payment, and other conditions agreed alſo. Hereupon likewiſe paſſeth a Notariall Contract, which is performed accordingly. But put the caſe that the price of the ſaid Veluets and Silks by ſome accident or occaſion doth fall, and the London Merchant doth repent him of his bargain and Contract, and now ſome of the ſaid forrein commodities are come from beyond the ſeas, and arriued within the riuer of Thames, wherupon the Merchant ſtranger giueth notice vnto him of it, and the London Merchant ſeemeth vnwilling to receiue the ſaid commodities, and is conſtrained either by a Scriuener or witneſſe to offer vnto him the ſaid commodities according to their Contract. Heere note that this offer or tender ſo made is of no validitie or force in Law; for vntill the Kings cuſtome is paid for the ſaid goods, and that you haue receiued them into your power or cuſtodie, you can make no lawfull offer of them. Moreouer, if you haue payd the Kings Cuſtome for them, and haue them in your cuſtodie and power, and do make tender of them before the time, yet the Law is not ſatisfied herein, but you muſt tender them alſo vpon the laſt day of the deliuerie, becauſe the damages to bee giuen vnto you by Law muſt take a certaine ground from the limitation of time, and not vpon caſualties; for it might fall out, that the price of the ſaid Commodities ſhould riſe within that time, and you might ſell them for a greater gaine, and by that time of the laſt day of your deliuerie they might be fallen again in price, and you might haue prouided another parcell for the ſame; ſo that both by the common Law and the Law Merchant you are to make your tender vpon the very day by a ſcriuener or with competent witneſſes, whereof I haue ſeen ſufficient triall in Law. And according to theſe two examples, you may iudge and conſider of all other the like Contracts wee call Notariall.

Tendering of Commodities ſold by Contracts.

Verball Contracts are made betweene party and party, or by means of Brokers or Mediators, and that only by word without writing. Such are the dayly buying and ſelling of commodities, either for ready mony, or payable at ſome daies of payment; wherein the mediation of a Broker is moſt neceſſarie. For as it would be troubleſome to vſe Scriueners in euery bargaine, ſo is it commodious to vſe the means of Brokers; the commodities are not onely bought and ſold with more credit and reputation, but all controuerſies which do ariſe by miſaduenture or otherwiſe are ſooner determined, and a ſworne Broker is taken as a double witneſſe, if he do produce his Booke, with a *Memorandum* of the Bargaine, as the ſame was agreed betweene both parties. By which many Variances are reconciled, and Differences (like to fall out) are preuented.

Verball Contracts called priuat.

I had almoſt forgotten the moſt memorable Contracts that euer were, whereby the Philoſophers *Elixar* or Stone is found, turning Lead, Paper, and Inke into Gold and Siluer; which is the Contract of Popes for their Cruſados or Bulls, whereof there are certaine Contractors, who for a certaine ſum of money yearely to be payd, doe receiue authoritie to diſperſe the ſaid Pardons or Bulls into the Weſt Indies, Peru, Noua Hiſpagnia, and all thoſe quarters of the World, and euerie reaſonable Soule muſt haue one of them yearely. And that this is the moſt beneficiall Contract, I prooue thus:

The moſt beneficiall Contract.

In the yeare 1591, Pope *Sixtus Quintus* cauſed two ſhips to be laden out of Spaine for the Weſt Indies as aforeſaid, with ſome 100 Butts of Sacke, 1400 little Cheſts, containing each of them three ordinarie ſmall barrels of Quick-ſiluer, weighing 50 ℔ the piece, to refine the ſiluer withall in the ſaid Indies; and moreouer, a great number

of packes of the ſaid printed Buls or Pardons granted at that time, to make prouiſion againſt the Heretiques; forſomuch that the great Armado in the yeare 1588 had ſo much exhauſted the Treaſure of Spaine. Theſe two Ships were met withall at ſea by Captaine *White*, who was laden and bound for Barbary, and brought into England by him, where the Commodities were ſold; but the Popes merchandiſe (being out of requeſt) remained a long time in ware-houſes, at the diſpoſing of Queen *Elizabeth*; vntill at laſt, at the earneſt requeſt of her Phyſitian Doctor *Lopez*, ſhee gaue all the ſayd great quantitie of Bulls vnto him, amounting to many thouſands in number. This Courtly Merchant, falling in communication with an Italian Knight who had been a Merchant, did conclude with the ſaid Knight to, make a partable Voyage betweene them, and to ſend thoſe Buls into the Weſt Indies; and accordingly a ſhip was fraighted and laden with the ſaid Bulls and ſome other commodities, and did performe the ſaid Voyage to the Indies. But no ſooner arriued, the Popes Contractor for that commoditie did ſeiſe vpon all the ſayd Bulls, and cauſed an information to bee giuen againſt them, that they were infected, hauing beene taken by Heretiques. It was alledged that they were miraculouſly ſaued, but loſt they were and confiſcated, and ſo Couetouſneſſe was well rewarded. But returning to proue this beneficiall Contract; I was at the time of the taking of the ſaid Bulls, willed by Authoritie, to make and eſtimate what the lading of theſe two ſhips might coſt, and what they might haue beene worth in the Weſt Indies, according to the rate of euery Bull, taxed at two Royalls of plate, and ſome foure, and ſome eight Royals, according to their limitation, euerie one being but one ſheet of paper. And by computation the lading did not coſt fiftie thouſand pounds, and would haue yeelded aboue ſixe hundred thouſand pounds. For theſe Contracts are feruent and full of deuotion, containing alſo a commandement, That their beds ſhould be ſold, rather than any one ſhould be without a Bull; for the ſafety of the ſoule was to be preferred before the health and eaſe of the body.

The Pope his Merchandize.

Now before we entreat of extrauagant Contracts in the buying and ſelling of commodities in ſome places, it will not be impertinent to note the obſeruations and opinions of Civilians concerning Merchants Contracts, which they haue diſtinguiſhed to be ſolemne, publique, or priuat, as in the Marginall notes is before declared, to the end all Controuerſies may be auoided in the ſaid Merchants Contracts.

Merchants Contracts are to be plaine.

The Civilians writing *de Contractibus Mercatorum*, or of Merchants contracts, make many diſtinctions; but the conditions agreed vpon betweene them are chiefely conſiderable, and to be well declared, to auoid ambiguitie and conſtructions, and reciprocal things to be performed on both ſides, which bindeth them better. So that if a Contract be broken, whereby the one party is damnified for the want of his mony or goods not deliuered, whereby he can make no benefit, and is hindered in his trade by *Lucrum ceſſans*, or not getting; the other party may iuſtly demaund recompence for the ſame, eſpecially if he be a Merchant: otherwiſe ſome Civilians make the ſame queſtionable, as Fiſher-men, Fowlers, and Hunters, which (ſay they) cannot demand any loſſe for want of their owne, becauſe by their profeſſions they are vncertaine, whether they ſhall catch or take any thing by their art. Neuertheleſſe the Merchants Court hath an eſpeciall care to performe well with Fiſhermen, and that with all expedition of juſtice they may be diſpatched to follow their trade, without any intermiſſion of time.

Fiſher-men are to be reſpected vpon Contracts.

This damage ſuſtained by Merchants or others, for the non-performance of Contracts, cannot be demanded by a continuance of time running *Adinfinitum*, during the matter in queſtion, but muſt be demanded according to the firſt dammage receiued, as the party can duly proue the ſame, either by witneſſes or vpon his oath, as the cauſe may require.

The firſt damage vpon Contracts to be regarded.

Therefore when Merchants are contending in any Courts of equitie or Law, where they are delayed for many yeares in continuall ſuit, at their great charges; then it tendeth to the interruption of Trade and Commerce in generall, and the ouerthrow of parties in particular; whereof the Law of Merchants hath a ſingular care to prouide for, and therefore doth many times (though not without danger) admit the proofe to be made vpon the parties oath, if witneſſes be abſent.

The

The penalties and forfeitures vpon any Contract limited and expreſſed, be it *Nomine pœne* or otherwiſe, are therefore much to be conſidered of in equitie to make them ſtand, and to be effectuall for the maintenance of faith and credit between merchants, and they are conſequently much approued by all Ciuilians, and by their law allowed. Penalties vpon Contracts.

In all Contracts made for a copartnerſhip in prouiding of a joint ſtocke, is to bee obſerued, that the one or ſome of them do not defraud the other. Alſo it is approued that they may ſel their aduenture to others, & the buyer is to take the account according to the Contract, for the account giuen to other parties in ſocieties doth alwaies bind the buyer proportionably in theſe aduentures; and the parties dying, the widow or his heires are to accept thereof accordingly, both by the Ciuill Law and the Cuſtome of Merchants. As is well obſerued by the Societie of the Merchants trading to the Eaſt Indies, both in England and beyond the ſeas. For it is not accounted any danger to truſt a Societie, and to deliuer mony for trading, and where no damages or aduentures be borne is vſurious, as ſhall be declared hereafter. Obſeruations in partable Contracts.

To enter into conſideration of ſome verball Contracts, ſome Cuſtomes are to bee obſerued, which the Civilians make queſtionable. A Merchant doth deliuer ſome mony vnto another Merchant, to be imployed by him for commodities, or to bee put forth to vſe for both their benefit and profit, without any limitation of time agreed vpon betweene them; the queſtion is, When this Merchant that did deliuer this money may call for it againe? Wherein moſt Civilians are of opinion, that the ſame cannot be demanded before the yeare be expired. Which ſeemeth the more reaſonable, if the Law will not allow vnto the other party a loſſe ſuſtained thereby, by fire, water, or any other caſualtie, vnleſſe he do declare and manifeſt the ſame within the yeare. Neuertheleſſe if this mony were deliuered to one that maketh a continuall gaine by mony, as ſome Goldſmiths do, by taking the ſame for two, three, or more dayes, and allowing benefit for it; then it may ſeeme reaſonable that the mony may be demaunded at all times, vpon warning giuen for the time, without which no man may be ſuppoſed to be ſo careleſſe in the deliuery of his or other mens money by a Verball Contract, as the ſaid Civilians haue ſurmiſed. Verball Contracts for money, &c.

Again, ſuppoſe this mony were deliuered to a father and his ſonne jointly, whether the ſame ſhal be redemanded of the father and the ſonne by equall portion halfe and halfe, or of them both? Hereupon they are of opinion, If the Father did receiue the mony, and that the ſonne be vnder the gouernment of the father, then the father is to anſwer for all: but if the ſonne do (as it were) gouern the father, becauſe he is old, then the ſonne is to anſwer for the mony. Now the Law-Merchant obligeth them both to anſwer for the ſaid mony, vnleſſe the ſonne were vnder yeares. But this queſtion may be thought extrauagant, for Contracts are commonly Notariall in this caſe, and betweene partners, and where one partner bindeth another, it is to be vnderſtood to continue the time of their partnerſhip; whereas to become bound each to other, for ſo much as ſhall be found due, is caſuall and full of cavillation. So that (as before is remembred) euery thing is to be plainly expreſſed, but eſpecially to be carefully obſerued betweene partners. For the Stocke alſo betweene Partners by Contract to continue in trade, is to be without diminution, or any other imployment to be made, during the ſaid copartnerſhip, which is limited therefore for a time, and not by voyages or employments: the charges on both ſides to be limited. But hereof more vpon the title of Partners or Companies. Notariall contracts ſureſt.

To make theſe Notariall Contracts more authentique and ſure, when due regard is had of reciprocal actions, to auoid *Nudum pactum*, the Bonds made by each party to other in a ſum of money for the performance thereof, are to be preferred before the limitation of a penaltie contained in the Contract; albeit that theſe Bonds being put in ſuit, cauſeth the other party to fly into the Chancerie; but the Merchants Courts proceed herein with more expedition.

There are alſo certain Merchants Contracts, which in regard of the conditions are called Extravagants, becauſe the manner either of buying or ſelling of Commodities, and the payment made for the ſame is rare, and but vſed in ſome places, which neuertheleſſe Extrauagant Contracts.

theleſſe are made in writing by Notariall Contract,or by the Brokers book recorded, whereof I thinke fit to make a Chapter apart, touching commodities ſould by Brokers,as hereafter may appeare.

A Merchant of Spaine dealing for the Weſt Indies,Nova Hiſpania,Terra firma,or Peru,and other places in America, will buy a round quantitie of Germane commodities or manufactures made there,& in the Low countries,either Ironmongers wares as Hatchets,Axes, Kniues, Bells, Beads, Needles, Baſons, Candleſtickes, Counters, Lockes, Nailes, and diuers ſorts of commodities; and he is made acquainted by the Invoice or Cargaſſon of thoſe goods,what they did coſt in the places from whence they came, where the Merchant owner of the ſaid wares hath augmented his price in the ſaid Invoice, and ſo the Spaniſh merchant doth make him an offer of ſo many Maluidies for euery pounds Flemiſh,or Hamborough money,or for euery Dollar or other coine whereby the ſame was bought, according as the party by his obſeruation is able to iudge of the value thereof,by his often buying of the like:but the paiment is agreed to be made ſomtimes after the returne of the Weſt Indies Fleet,that is, when moſt ſhips going outward ſhall returne againe into Spain. But whether the Buyer of thoſe goods do receiue the return of any prouenue of the ſaid goods or not,is a matter not material to the ſeller of the goods,for he beareth no aduenture of bad Factors,euil pay-maſters, or other accidents,but muſt be payd at the time agreed vpon,according to the ordinarie cuſtome thereof, vnleſſe it were agreed that hee ſhould beare the Aduenture of the ſeas for a ſumme in certaintie in nature of aſſurance, or vpon ſome vnexpected alteration,which might happen in the ſaid aſſurance, which is another Contract,as hereafter will more amply appeare in his proper place.

Conditions to be obſerued in them.

Another merchant ſelling by Contract,ſome Commodities to be deliuered at the returne of the ſaid Weſt Indies fleet, *Poſito* a certaine quantity of Cutcheneale,as the price ſhall be broken in Spaine vpon the arriuall of the maine Partida; this merchant commonly taketh a ſumme of money before-hand, whereof he alloweth intereſt for the time,or elſe he abateth a certaine allowance in the price of the Cutcheneale leſſe than the price,which by authoritie and conſent amongſt Merchants is made, that is to ſay, If the beſt ſort called Miſteca be ſet at 40 ducats the Roove of 25 ℔ weight,hee ſhall abate him after 20 or 25 ℔ 100. Now if the price of Cutcheneale be high or low,the intereſt of his money formerly disburſed (by the ſaid abatement) muſt needs be accordingly. So that the beſt aduantage is to take the intereſt after a rate certain, and the price of the Cutchenale is as it ſhall and may fall out, the like may be obſerued for all other commodities. The Bankers haue found the ſame by experience, by dealing with the Kings of Spain and Portugal, when they make make Partido's with them,to furniſh them with monies in their occaſions, by making them to pay exchanges and rechanges for it after a great rate. And neuertheleſſe,they will be ſure to haue Pepper,or any other commoditie, at a certaine rate agreed vpon between them, or elſe in ready mony payable alſo at the returne of the ſaid Weſt Indies Fleet,albeit they do not beare the aduenture of the ſiluer Bullion or Royals of eight, rather admitting a Clauſe,That if the treaſure doth miſcarry,they ſhall haue their monies repayd within a certaine time, and intereſt of 7 ℔ 100, vnleſſe it be they agree for the Pepper belonging to the King, for many yeares to be taken at a reaſonable price, they bearing the aduenture of the ſeas. As the Lords Foulkers of Germany did contract in the yeare 1592,with *Philip* the ſecond,King of Spaine,whereby they became loſers,by the taking of the great Carrack the Mother of God at the ſeas the next yeare following.

Mony paiable at the returne of the Fleet.

Now becauſe in the precedent Chapters we haue ſpoken of a Banke,and the paiment of Bankers, it will not be impertinent to intreat thereof,before any further proceeding, to the end this matter may be vnderſtood of euerie Merchant and others.

CHAP.

CHAP. XX.

Of Banks and Bankers.

A Banke is properly a Collection of all the ready money of ſome Kingdom, Commonwealth, or Prouince, as alſo of a particular city or town, into the hands of ſome perſons licenſed and eſtabliſhed thereunto by publique authoritie of ſome King, Prince, or Commonwealth, erected with great ſolemnitie in the view of all the people and inhabitants of that City, Commonwealth, or Kingdome, with an intimation thereof made diuers times, to be vpon ſuch a day in the open market place, where a ſcaffold is purpoſely erected, with an oſtentation of great ſtore of money of Gold and Siluer, ſuppoſed to belong to theſe perſons or Bankers ſo eſtabliſhed; which is vnto them an attractiue power to perſuade allure the Common people to bring their monies into theſe Bankers hands, where at all times they may command it, and haue it againe at their owne pleaſure, with allowing them only a ſmall matter of fiue vpon euery thouſand ducats or crowns, when any man will retyre or draw his mony into his own hands again; which although it be but in 20 yeares, yet during all that time they are to haue no more: ſo that theſe perſons or Bankers do become as it were the generall Seruants or Caſhiers of that prouince, City, or Commonwealth.

The deſcription of a Banke.

Theſe bankers, as they haue their companies, factors, or correſpondence in the chief places of trade in Europ, ſo muſt they alſo keep account with euery man, of whom they haue receiued any mony into their bank, out of which number no man of that juriſdiction is almoſt exempted, but generally al men are deſirous to pleaſe them, & to bring their ready mony into their bank, as alſo ſuch money as they haue in forrein parts. In regard whereof theſe Bankers do giue them great credit; for if any man haue occaſion to beſtow in merchandiſe or to pay in mony 3 or 4000 ducats, and haue but 1000 ducats in the bank, the bankers will pay it for him more or leſſe, as the party is wel known or credited, without taking any gain for it, although it be for 3, 4, 6, or more moneths.

This ſeems to be a great commoditie (as no doubt it is to men in particular) but being well conſidered of, it will be found a ſmall friendſhip, and no more in effect, than if a man did participat the light of his candle to another mans candle: for what is this credit, or what are the paiments of the banks, but almoſt, or rather altogether imaginarie? As for example, *Peter* hath 2000 ducats in bank, *Iohn* hath 3000, and *William* 4000, and ſo conſequently others more or leſſe: *Peter* hath occaſion to pay vnto *Iohn* a thouſand ducats, he goeth to the Bankers at the appointed houres (which are certain both in the forenoone and afternoone) and requireth them to pay 1000 ducats vnto *Iohn*; whereupon they preſently make *Peter* debtor for one thouſand ducats, and *Iohn* Creditor for the ſame ſum: ſo that *Peter* hauing aſſigned vnto *Iohn* 1000 ducats, hath now no more but one thouſand ducats in banke, where he had two thouſand before; and *Iohn* hath foure thouſand ducats in the ſame Bank, where he had but 3000 before. And ſo in the ſame manner of aſſignation, *Iohn* doth pay vnto *William*, and *William* vnto others, without that any mony is touched, but remains ſtil in the Bankers hand, which within a ſhort

The maner of the Bankers paiments.

a ſhort time after the erection of the Banke, amounteth vnto many millions; and by their induſtry they do incorporate the ſame; which may eaſily be vnderſtood, if we do but conſider what the ready mony and wealth of London would come vnto if it were gathered into one mans hands; much more if a great deale of riches of other countries were added thereunto, as theſe Bankers can cunningly compaſſe by the courſe of the exchange for monies, the ebbing and flowing whereof is cauſed by their motion from time to time, as in our treatiſe of Exchanges is declared.

But ſome will ſay or demand, Cannot a man haue any ready mony out of the Bankers hand, if he haue occaſion to vſe it? Yes that he can: but before he haue it, they will be ſo bold as to know for what purpoſe he demandeth the ſame, or what hee will do with it. If it be to pay any man withall, that they will do for him, as hauing account almoſt with all men; for he is accounted to be of no credit, that hath not any money in Banke.

If he do demand it to make ouer by exchange in ſome country, they will alſo ſerue his turne, in giuing him bills of exchanges for any places whereſoeuer, becauſe they haue their companies or correſpondence in euery place.

If he do demand it for his charges or expences it will be payd him forthwith, becauſe it is but a ſmall ſumme, and in the end the money commeth into their hands againe.

If they pay out mony to any man, that hauing mony in Bank, will beſtow the ſame in purchaſe of lands, they will ſtill haue an eye to haue it again in Banke one way or other, at the ſecond or third hand; ſo that they once beeing poſſeſſed of monies, they will hardly be diſpoſſeſſed; and their payments are in effect all by Aſſignation, and imaginarie.

And if they haue any money in Banke belonging vnto Widowes or Orphans, or any other perſon that hath no occaſion to vſe the ſame, they will allow them intereſt after foure or fiue vpon the hundred in the yeare, at the moſt, and that vpon eſpeciall fauor; for euery man ſeeketh to pleaſe them, as in matter where *Commodum privatum* beareth the rule: for they can eaſily pleaſe men in particular, in giuing them ſome credit of that great credit which they haue obtained in generall.

The mony then remaining in the Bankers hands is imployed by them to other vſes and purpoſes.

The Bankers Trade.

Firſt, they do deale with great Princes and Potentates, that haue need of money for the maintenance of their Warres; as the Genevoiſes and Germanes did with the Emperor *Charles* the fift during the wars in Germanie; and as the Florentines and others haue done with *Philip* the ſecond, King of Spain, and alſo with his ſon *Philip* the third late reigning, cauſing him to pay 20, 25, 30, and more in the hundreth, by way of exchange and rechange, ſuppoſed to happen accidentally.

Secondly, they ingroſſe thereby diuers commodities into their hands. And laſtly, they carry thereby a predominancie in ruling the courſe of exchanges for all places, where it pleaſeth them; wherefore the city of Amſterdam (to countermine them) haue in the yeare 1608 alſo erected a very great Banke, for the which the ſaid city hath vndertaken to anſwer, whereby they are alwaies ſtored with mony, as appeareth, that the ſame is plentifully to be had at intereſt, at ſixe and ſeuen in the hundred by the yeare, and ſome at fiue and vnder. This cuſtome is now ſo ſetled there, that it is as effectuall as any law.

The beginning of the Bank at Amſterdam.

Bankrupt.

Of the breaking of ſome of theſe Bankes is the name Bank-rupt deriued: for when Princes do not accompliſh with them then they cannot hold out, vnleſſe they haue great eſtates of their owne. *Philip* the ſecond, King of Spaine, in the yeare 1596 was conſtrained to giue *Facultad Reall*, that is to ſay, a Power or Facultie Royall, or a Protection vnto the Bankes of Madrill and all their Aſſociates for foure yeares; commanding that all thoſe that had dealt with them in matter of Exchange, Intereſt, Contract, Letters of credit, or any manner of waies publiquely or ſecret, and with all their knowne or vnknown partners, ſhould not be compelled to pay any mony to their Creditors vntill the yeare 1600: but in the interim they ſhould at euery ſix moneths

A Facultie Royall, or Protection.

receiue

receiue intereſt for their money after the rate of ſeuen *pro centum*, for the yeare; and if any man could not forbeare his money, he was to deliuer the fourth part more in readie mony, and ſo accounted together with the intereſt due at ſeuen vpon the hundreth, the two thirds of all was to be paied him, and the other third was to continue during his life; with allowance of the ſaid intereſt; and this was to be obſerued in the kingdomes of Caſtile, Arragon, Portugall, and the Low-countries, as alſo in the kingdomes of Naples, Sicilia, and the State of Milan, and finally in all kingdomes and dominions vnder him, (for ſo are the words) and in all his warlike forces by ſea and by land. This did bring the Bankes in great diſcredit, and the Weſt-India trade was much interrupted by it, and ſo continued during the ſaid King his life time; and after his deceaſe, monies haue not beene plentifull in Spaine, inſomuch, that in the yeare 1608, his ſonne *Philip* the third did giue the like Faculty Royall to all men that were to pay money at the returne of the Weſt Indies fleet for one yeare, paying but 3 *pro cent.* to their creditors for the forbearance.

CHAP. XXI.

Of the Fraighting of Ships, Charterparties, and Bills of lading.

HItherto we haue beene buying and dealing in Commodities, and now it will bee time to aduance our commerce or trafficke, and to fraight ſhips for the purpoſe to tranſport ouer Commodities. No ſhip ſhould be fraighted without a Charterpartie, meaning a Charter or Couenant betweene two parties, the Maſter and the Merchant: and the Bills of lading do declare what goods are laden, and bindeth the Maſter to deliuer them well conditioned to the place of diſcharge, according to the contents of the Charterpartie; binding himſelfe, his ſhip, tackle, and furniture of it, for the performance thereof. Of theſe Bills of lading, there is commonly three Bills of one tenor made of the whole ſhips lading, or of many particular parcells of goods, if there be many laders; and the markes of the goods muſt therein be expreſſed, and of whom receiued, and to whom to be deliuered. Theſe Bills of lading are commonly to be had in print in all places, and in ſeuerall languages. One of them is incloſed in the letters written by the ſame Ship, another Bill is ſent ouer land to the Factor or partie to whom the goods are conſigned, the third remaineth with the Merchant, for his teſtimony againſt the Maſter, if there were any occaſion or looſe dealing; but eſpecially it is kept for to ſerue in caſe of loſſe, to recouer the value of the goods of the aſſurors that haue vndertaken to beare the aduenture with you, whereof we ſhall intreat in the following Chapters. Bills of lading.

The perſons that are in a Ship may be thus in order, which although they differ in names in many languages, yet they are all one in effect. The Maſter of the Ship, the Pilot, the Maſters mate, the Ship-wright or Carpenter, the Boats-man, the Purſer, the Chirurgion, the Cooke, and the Ships boy. All the reſt are vnder the name Marriners, all theſe are diſtinguiſhed in hires and fees in all Countries.

The Maſter therefore doth couenant by the Charter-partie, to finde a ſufficient Charter-party

Pilot, and all other the foreſaid officers and Mariuers, and to prouide Shiptycht, Maſts, Sayles, Ropes, Tewes, Anchors, Ship-boat; with fire, water, ſalt, and all things neceſſarie, at his owne expences. And this Charter-partie ſo made on the Maſters part, doth commonly declare that it is and all things therein contained, according to the Law of *Oleron*; according to which law, if there be no writing made, and but an earneſt giuen, then the Merchant if he repent, loſeth his earneſt; but the Maſter if he repent, loſeth the double of the earneſt.

Law of *Oleron*.

Againe, if the Ship be not readie at the day appointed in the Charter-partie, to go to Sea, the Merchant may not onely free himſelfe of her, except he hold his peace and diſcharge her not (for then by his ſilence he ſeemeth to conſent,) but alſo ſhall recouer charges, intereſts, and damages, except the Maſter ſhew ſome excuſe of ſome pregnant occaſion or miſchance, which could not be auoided, and then he loſeth onely his fraight, becauſe he hath not deſerued it. But if the fault be in the Merchant, he ſhall pay the Maſter his damages, or according to the Rhodian Law, ſhall entertaine the Ship and Company ten daies, and if then hee ſtay longer ſhall pay the fraight of all accordingly; and further ſhall anſwer for all hurt and damages happening by fire, water, or otherwiſe after the time appointed. It is true, that the Rhodian Law chargeth the Merchant in this caſe but with halfe the fraight, and the Maſter with the whole fraight if he faile: Albeit that the Romanes inflict the paine of the whole fraight vpon the Merchant, eſpecially if he take out his owne goods again, for then is the fraight thought to be deſerued.

Qui tacet conſentire videtur

Rhodian Law.

But if the Ship in her voyage become vnable, without the Maſters fault, or that the Maſter or Ship be arreſted by ſome authoritie of Magiſtrates in her way; the Maſter may either mend his Ship, or fraight another. But in caſe the Merchant agree not thereunto, then the Maſter ſhall at leaſt recouer his fraight, ſo farre as he hath deſerued it. For otherwiſe, except the Merchant conſent, or neceſſitie conſtraine the Maſter to put the goods into another Ship worſe than his owne; the Maſter is herein bound to all loſſes and damages, except that both the ſhips periſh that voiage, and that no fault nor fraud be found in the Maſter.

In the yeare 1587, the like matter was in queſtion with fiue Ships comming backe without their lading, from Ligorne and Ciuita Vecchia into England, wherof my ſelfe was one of the Merchants that had fraighted them, and did intend to receiue lading there in Allome: but the Gallies of *Don Andrea Doria* intending to ſurpriſe thoſe ſhips (the Grand Armada being preparing in Spaine) they came all of them away without their lading; ſome two of theſe Ships had lien out all their time conditioned by their Charter-partie, to take in their lading, and the Maſter had Notariall proteſts againſt the Factors that they ſhould haue laden them. Theſe were by the Law of Admiraltie adjudged to haue deſerued their whole fraight. Two other ſhips hauing not ſtaied there their abiding daies, nor made any proteſt as aforeſaid, could not be found to haue deſerued any fraight at all, although they were laden outward bound. The fifth Ship had a condition or Prouiſo in her Charter-partie, That if it ſhould happen that in her comming backe out of the Straits, ſhe ſhould be taken or caſt away; neuertheleſſe the fraight outwards (which was accounted halfe) ſhould bee paied, and that halfe was adjudged vnto the Maſter, and no more, hauing not tarried there his appointed time. And if this prouiſo had not beene, he could not haue recouered any thing; for when Ships are fraighted going and comming, there is nothing due for fraight vntill the whole Voyage be performed. So that if ſhe periſh, or be taken in the comming home, all is loſt and nothing due vnto her for any fraight outwards, whereof I haue alſo had experience by another Ship.

Admiraltie Caſes.

Condition maketh Law.

It is alſo accounted for a fault, if the Maſter put forth his Ship to Sea, either without a skilfull Pilot, or without ſufficient furniture and neceſſaries, according to the ordinary clauſes of the Charter-parties, or (as in the precedent caſe) that the other Ship in which the goods were laſt put in, be not ſufficient, or that the Maſter do in an vnlikely time put forth to Sea.

The Emperors *Gratian*, *Theodoſius*, and *Valentinian*, in times paſt did expreſly forbid that

that no man ſhould aduenture vpon the Seas, from Nouember till Aprill, *Sed Tempora mutantur, & nos mutamur in illis.* Alwaies it is a great fault by the Law, to put to ſayle out of any Port in ſtormie and tempeſtuous weather.

Item, if a Maſter ſet forth his Ship for to take in a certaine charge or lading, and then takes in any more, eſpecially of other men, he is to loſe all his whole fraight; for by other mens lading he may endanger the Merchants goods diuers waies. And in ſuch a caſe when goods by ſtormes are caſt ouer-boord, it ſhall not be made good by contribution or aueridge, but by the Maſters owne purſe: For if he ouerburthen the Ship aboue the true marke of lading, he is to pay a fine. Aueridges.

Item, if a ſhip doe enter into any other Port or Harbour, than ſhe was fraighted for, againſt the Maſters will, as by ſtorme or ſome force, then the goods ſhall be tranſported to the Port conditioned, on the Maſters charges; but this muſt be tried by the Maſters oath, and of two of his Mariners, or elſe the Maſter may be in further danger.

If any man compell the Maſter to ouer-burthen Ship or Boat, he may therefore be accuſed criminally, and pay the damages happening thereby.

Item, if a Merchant put in more goods into a Ship than was conditioned, then may the Maſter take what fraight hee pleaſe. By the Romane Law it is imputed for a fault to the Maſter, if he direct his courſe by waies either dangerous, thorough Pirats, enemies, or other euill aduentures. Alſo if he do carry the Flag of other Nations and not his owne, and thereby incur any loſſe or damages: for as Packes, Pipes, and all goods, ſhould be marked with the proper markes of the Merchant to whom they appertaine: So ſhould Ships be diſcerned one from another by their owne Flag.

The ordinary Charter-parties of fraightments of Ships, made and indented betweene the Maſter of a Ship and a Merchant, or many Merchants in fraighting a Ship together by the tunning, where euery Merchant taketh vpon him to lade ſo many Tunnes in certainety: are made as followeth, *Mutatis, Mutandis*, which is done before Notaries or Scriuenors. Fraightings by tunnage.

A.B. Maſter of the good Ship or Fly-boot, called the Red Lion of Ratcliffe, of the burthen of 120 Tunnes or thereabouts, riding at Anchors in the Riuer of Thames, acknowledge to haue letten to fraight to C.D. the Merchant his ſaid Ship, and doth promiſe to prepare to make ready the ſame within tenne daies, to take in ſuch goods, as the ſaid Merchant ſhall lade or cauſe to bee laden in her, to make (by Gods grace) with the firſt conuenient weather and winde (after the expiration of the ſaid daies) a Voyage from the Citie of London, to the Towne of *Saint Lucar de Barameda* in Spaine, and there to deliuer all the ſaid goods, well conditioned, and in ſuch ſort as they were deliuered vnto him, to ſuch a Merchant or Factor, as the Merchant the fraighter ſhall nominate and appoint, according to the Bills of lading made or to be made thereof; and there to remaine with the ſaid Ship the ſpace of twentie daies, to take in and receiue all ſuch goods, as the ſaid Factor or any other by his appointment ſhall lade into her, and as the ſaid Ship may conueniently carry, and beeing ſo laden, to returne backe againe for the ſaid Citie of London, and there to deliuer the ſaid goods alſo well conditioned, to the ſaid C.D. the Merchant, or his aſſignes. And the ſaid Maſter doth further couenant with the ſaid Merchant, that his Ship ſhall bee furniſhed with twelue able men and a boy, tenne pieces of yron Ordnance, namely, two Sakers, ſix Minions, two Falcons, and eight Muskets, with pouder, Shot, and all things neceſſary, as Cables, Sayles, Ropes, Anchors and Victuals requiſite for ſuch or the like Voyage, &c. And hereupon C.D. the Merchant and Fraightor, doth likewiſe couenant with the ſaid maſter, or all the ſaid merchants do couenant with him, euery one for his tunnage as aforeſaid, that he or they and either of them, will lade or cauſe to be laden (within the daies limited) the ſaid Ship, with ſuch and ſuch commodities accordingly, peſterable wares or goods excepted, which are goods of great volume and cumberſome, whereof no true computation for tunnage can be had: ſo that the fraight of ſuch kinde of goods is made accordingly. Peſterable wares or commodities.

And the ſaid Merchant doth further couenant to pay vnto the maſter, three pounds or more for the fraight of euery Tunne lading vpon the full diſcharge of his ſaid Ship,

and deliuery of the ſaid goods at London aforeſaid, accounting two and twentie hundreth and a halfe, or ſo many Kintalls for a Tunne; and in like manner for two Pipes or Butts, foure Hogſheads and other Commodities, rated for the Tunne or Laſt, as foure Cheſts of Sugar, Six Barrels of any other Commoditie for a Tunne (as in the fourth Chapter of Weights and Meaſures is declared) with Primage, Petilodeminage, and ſomtimes Pilotage, according to the accuſtomed maner in the like Voiages, &c. binding themſelues each to other for the performance thereof in a ſumme of money, *Nomine Pœnæ*, with ſuch other clauſes, conditions, cautions, or other agreements as may be concluded betweene them, which being well expreſſed, preuenteth all thoſe and the like queſtions, which the Ciuilians doe diſcourſe vpon, as the following may be for an inſtance.

¶ *Queſtions about Fraightings, and their Solutions.*

If a Ship be fraighted by the great, *Poſito* two hundreth Tunnes for the ſumme of ſix hundreth pounds, to be payed at the returne; the ſaid ſumme of 600 ℔ is to be payed, although the Ship were not of that burthen.

If the like ſhip of 200 Tunnes bee fraighted, and the ſumme is not (either by the Great, or Tunne) expreſſed; then ſuch fraight as is accuſtomed to bee payed in the like Voyages, is due, and ought to be paied accordingly.

If the like Ship of 200 Tunnes be fraighted by the Tunne, and full laden, according to their Charter-partie: then fraight is to bee payed for euery Tunne, otherwiſe but for ſo many Tunne as the lading in the ſame was.

If the like Ship of two hundreth be fraighted, and named to be of that burthen in their couenant, and being fraighted by the Tunne, ſhall be found to be leſſe in bigneſſe, there is no more due to be payed, than by the Tunne, for ſo many as the ſame did carry and brought in goods.

If the like Ship be fraighted for two hundred Tunnes or thereabouts, this addition *(or thereabouts)* is within fiue Tunnes commonly taken and vnderſtood, as the moitie of the number ten, whereof the whole number is compounded.

If the like Ship be fraighted by the great, and the burden of it is not expreſſed in the contract, yet the ſumme certaine agreed vpon is to bee paied without any cauillation.

If fraight be agreed vpon for the Commodities laden or to be laden, for a certaine price for euery Packe, Barrell, Butt, and Pipe, &c. without any regard had to the burden of the Ship, but to giue her the full lading: no man maketh doubt but that the ſame is to be performed accordingly.

If the like ſhip or any other (beeing fraighted by the great for a ſumme certaine) happen to be caſt away, there is nothing due for fraight: but if the Ship be fraited by the Tunne, or pieces of Commodities laden and caſt away and ſome ſaued, then is it made queſtionable, whether any fraight be due for the goods ſaued *pro rata*, albeit there is none due at all: for the Aſſurors are not to be abridged herein by any fraight.

Hence ariſe ſome other queſtions, *Exempli gratia*, Whether a Maſter of a Ship (hauing vndertaken to carrie ouer a family, or certaine ſlaues, or cattell, and ſome of them dying in the Voyage) ſhall haue any fraught for thoſe perſons or cattell which are dead? whereupon three conſiderations are incident.

1 If the contract was made for the whole family, ſlaues, or cattell, then the fraight or paſſage money is due, and to be paied for all.

2 If it be couenanted, that for euery head or paſſenger, the maſter ſhall haue a certaintie: then for the dead neuer comming to the deſtined place, there is nothing due.

3 If it doe not appeare how the agreement was made, but that there is a certaine ſumme agreed vpon; then that agreement being an entire thing, is to be performed, although ſome died: the reaſon is, becauſe there was no fault in the Maſter, and therefore the rule of *Re intigra* remaineth good: and if a woman bee carried ouer and be deliuered

deliuered of a childe in the Voyage, yet there is nothing to be paied for the paſſage of the childe which ſhe carrieth in her armes.

There is an ancient queſtion, Whether a Maſter of a ſhip who promiſed to place another in his ſhip, and to expoſe him in a certaine place, can demand any recompence for the ſame, hee neuer hauing placed the party there; but the partie came into the ſhip, and ſo went ouer: wherein they conſider the difference betweene liuing creatures and rationall, or things dead and inſenſible; and diuers other reaſons which I omit, for it may well be compared to the diſputation *de Lana Caprina*, whether the haire of the Bucke be wooll or haire, which putteth me in minde of a pretty tale, which for varietie of theame, I here beſtow vpon merry conceited mariners.

A merry tale of *Carons* wager.

The Poëts (hauing made *Caron* to be the ferrie-man of hell, paſſing ouer the ſoules of an infinite number of perſons of diuers profeſſions) faine, That on a time a Sophiſter was to be tranſported, who tooke exception at *Carons* Beard, and by a Sillogiſme would proue him to be a Goat, framing his argument in this manner. A Goat hath a Beard which is neuer kembed, and you haue a Beard which is neuer kembed, *ergo* you are a Goat: *Caron* anſwering, did wonder at his concluſion, and took vpon him to proue the Sophiſter to bee an Aſſe, becauſe that of a compariſon he made an argument: for, ſaith he, if you had made a Sillogiſme in this maner, That which is Haile is no Snow; Haile is white, *ergo* Snow is not white; then there had beene ſome ſhew of Reaſon. But tell me, what is an Aſſe? and the Sophiſter anſwered, It was a liuing creature without Reaſon, and being demanded what Reaſon was, hee ſaid, It was to follow and vſe the good, and to ſhun the euill: then *Caron* concluded vpon his owne words, and ſaid, Your owne words haue proued you an Aſſe, wanting Reaſon; for you had no Reaſon in the world, whereby you ſhould be guided to follow the good, which is vertue, but you haue followed euill, which is vice, which made you come hither to reciue the puniſhment of an Aſſe, which (being incident to moſt mariners comming on ſhoare) I wiſh them to remember thankeſgiuing to God.

A ſophiſticated Argument.

And to conclude concerning Fraightments and Charter-parties, let vs obſerue, that equitie in all things is to be conſidered, and eſpecially in ſea-fairing cauſes, and cauillations are to be auoided, as for example,

A Merchant fraighted a Ship with all his furniture by the moneth, and putteth into her the Maſter and Mariners, and victualled the ſame at his charges, and maketh a Charter-party with the owner, promiſing to pay for the vſe of the Ship and furniture twenty pound euery moneth at her returne into the riuer of Thames, and ſo ladeth in her for the Straits, and to goe from Port to Port in ſeuerall places with merchandiſe: and after two yeares, or thereabouts, hauing taken her lading in Barbary, commeth for London, and by ſtorme and tempeſt the Ship was caſt away neere Douer, and the goods were ſaued; hereupon the Merchant denied to pay the fraight monethly to be reckoned, becauſe the Ship did dot arriue in the riuer of Thames, according to the words in the Charter-partie. Herein the owner was much wronged: for the money is due monethly, and the place is named onely to ſignifie the time when the money was due to be paied; for the Ship deſerueth wages like vnto a labourer, or like a mariner which ſerueth by the moneth, who is to be paied for the time he hath ſerued, although he dies before the Voyage be ended, as we finde daily that the Eaſt-Indies company payeth to their wiues or friends, *The labourer is worthy of his hire.* The Ship is not fraighted by the great, to run that aduenture which is noted before, neither was ſhe wanting her furniture of Cables, Anchors, Sailes, Ropes, or any thing whereby ſhe was diſabled to performe the Voyoge, and might be the cauſe of the caſting away: for if it were ſo, then there were great cauſe giuen to deny the payment of the fraight. Againe, where it was alledged, that the ſaid owner hath made aſſurance vpon the Ship, for more than the ſame was worth, and did thereby recouer of the Aſſurors a benefit towards his loſſe, this did not concerne the Merchant, but the Aſſurors: and if the aſſurance were orderly made, the ſaid Aſſurors haue paied the ſame duely, that is to ſay, If the pollicie or writing of aſſurance did declare, That the owner did value his Ship in ſuch a ſumme; whereof hereafter you may reade in the proper place, intreating of the nature of Aſſurances.

Equitie in ſea-faring cauſes much to be regarded.

rances. A Merchant valued one barrell of Saffron at 1000 ℔, hauing priuately put ſo much in Gold in the ſame, the Gold was taken, but the Saffron was deliuered, and the Aſſurors did pay for the Gold. And the like is for Pearles or other things ſo valued.

Item, when Coffers, Packes, or Pipes, and other marked Commodities or goods are deliuered cloſe packed or ſealed, and afterwards ſhall be receiued open and looſe, the maſter is to be charged for it, vntill a due triall, and that conſideration thereof be had; he muſt alſo anſwer for the harme which Rats do in the ſhip to any merchandiſe for want of a Cat.

The Merchant on the other ſide, is to be bound by the ſaid Charter-partie to pay the fraight of the goods by him laden, either by the Laſt, Tunne, or by the Packe and Fardel, according to the agreement; accounting for a Laſt, Tunne, or other thing, after the rate of a Tunne lading, wherein peſterable wares which take a great deale of roome are excepted, and muſt be agreed for, and the goods laden are liable for the paiment of the fraight. The Merchant likewiſe doth couenant to pay Pilotage, if a Pilot be vſed to bring a ſhip into the harbor; alſo primage, and petilodmanidge to the Maſter for the vſe of his Cables to diſcharge the goods, and to the mariners to charge and diſcharge them, which may be ſix pence or twelue pence for a Tunne lading, with ſome other clauſes and agreements made betweene the ſaid Merchant and Maſter: wherein it is not amiſſe to limit a good ſumme of money on either ſide to be paid for their performance of the Charter-partie, and to couenant the ſame by the ſaid Charter-partie, whereof I doe here preſcribe but one forme, conſidering the diuerſities of conditions therein vſed, as the Merchant and Maſter can agree, which euery Scriuenor doth vſually make accordingly, as in this Chapter is rehearſed.

Politage. Primage. Petiledmanidge.

Chap. XXII.

Of the Maſter of the Ship his power, and dutie of the Maſter to the Merchant.

Law of *Oleron.*

THE whole power and charge of the Ship being committed to the Maſter, requireth a ſtaid man and of experience, whereunto the owners are to take great heed, for his power is deſcribed partly by the owner or ſetter forth of the Ship, and partly by the Common-law of the ſea; by meanes and vertue whereof the Maſtar may, if need be, borrow money in a ſtrange countrey, with the aduice of his company, vpon ſome of the tackle or furniture of the ſhip, or elſe ſell ſome of the Merchants goods, prouided that the Merchant be repaied againe at the higheſt price that the like goods are ſold for at the market: which being done, the fraight of thoſe goods ſo ſold and repaied, ſhall be alſo repaied by the Maſter to the Owner of the Ship, aſwell as the fraight of the reſt of the Merchants goods, except the Ship periſh in the Voyage, in this caſe onely the price that the goods were bought for ſhall be rendred, and for no other cauſe may the Maſter take vp money, or ſell any of the Merchants goods, although it were in the danger of ſhip-wrecke.

The duties of a Maſter of a Ship, &c.

Such is the dutie of a Maſter of a Ship that is prouident, that he ought not to make ſaile and put forth to ſea, without the aduice and conſent of the moſt part of his company, eſpecially when the weather is ſtormie, otherwiſe hee ſhall anſwer the damages that commeth thereby; principally if he haue not prouided an expert Pilot, or if the Ship happen to fall ouer in the harbour.

The

The Maſter ſhall be puniſhed alſo by damages, if the ouerloope of the Ship bee vntyth, or the pumpe be faultie, or a ſufficient couering bee wanting, eſpecially for Corne, Victuall, and ſuch like commodities.

He is alſo before his departure to deliuer the names of all the perſons which he is to tranſport, and of his mariners, which with vs is but lately eſtabliſhed: and at his returne he is to deliuer a true Inuentory of the goods of any perſons which ſhall happen to depart this life in that Voyage, not onely becauſe his kindred and friends may haue intelligence of it, but alſo becauſe their goods may be ſafe and forthcomming for one whole yeare: of which goods in the meane time, the bedding and appurtenances may be taken by the Maſter and his Mate to their vſes, as alſo ſuch clothing and other things than vpon his body, may be diliuered to the Boats-man and the company, who do for that diſpoſe of the dead body, putting the ſame into the ſea.

When any goods or merchandiſes are deliuered vnto the Maſter, or his Clearke the Purſer of the Ship, and laid within boord, or to the Ships ſide, both waies, is at the Maſters perill. But the Maſter is not bound to anſwer for ſuch things as are put in his Ship, without his and his companies knowledge; becauſe where men are found ignorant, they are alſo eſteemed not to conſent. But if the Merchant or Paſſenger keepe his goods by himſelfe, as monies or ſuch things, in his Coffers, and then finde fault to haue loſt them: then the Maſter and Company are to purge themſelues by their oath; but if afterwards notwithſtanding they be found guiltie, the denier ſhall pay the double, and alſo be puniſhed for perjurie.

Ignorance is here a good excuſe.

The Maſter is lyable for all damages ſuſtained by bad Hookes, Ropes, Blockes, or Lines, if the Mariners do giue notice of it, and they ſhall beare their parts in the damage, and ſo is he alſo to anſwer any damage happening by vnreaſonable ſtowing or breaking of goods, and therein he and his company may be put to their oath.

Further, whatſoeuer ſhal happen through fault, negligence, or chance, which might be auoided, or if it be done by the paſſengers or other than himſelfe and his company, the Maſter is anſwerable.

If by the Maſters default, confiſcation of goods or other damages happens for non-payment of Cuſtome, or falſe Bills of entries in the Cuſtome-houſe for goods, or for tranſporting of vnlawfull goods, the Maſter ſhall anſwer for the ſame with the intereſt.

Law of Oleron.

But concerning the ſuing for the ſaid goods, the Maſter may well do it, as the Merchant may purſue for ſpoyled goods. And notwithſtanding if it ſhall be found that the Merchant is in any fault concerning the goods, as aforeſaid; then if the Maſter, and foure of his company, Mariners, ſweare no fault to haue been in them, the Maſter ſhall be cleared thereby.

The Maſter is to keep his company in peace, and if any Mariner ſhall be hurt in doing ſeruice, or by his companion, the Maſter ſhall cauſe him to be healed, as he who is onely anſwerable for the fact within ſhipboord, and then by his authoritie recouer from the other Mariner the charges, and any thing that the hurt man hath loſt thereby; except that he who is hurt or lamed, haue prouoked the other by euident aſſault or ſtroakes.

And if a Mariner fall ſicke, the Maſter ſhall cauſe him to be laid in a houſe, with all ſuſtentation neceſſarie and vſuall in the Ship; but ſhall not ſtay the Ship vntill hee be healed: and when he recouers health ſhall giue him his hyre, or if he dye ſhall giue it to the wife, or neereſt friends. But if a Mariner be not hurt in the Ships ſeruice, the Maſter ſhall hyre another in his place, who if hee haue a greater hyre, that Mariner then ſhall recouer the ſurplus. And alwaies the Maſter ought to lend his mariners if they want. If through the maſters fault the Shipboat periſh, with any mariners in it, by ſpoyled Ropes or otherwiſe, then ſhall the maſter pay one whole yeares hire to the heires of the drowned.

Item, he ought to giue his mariners Fleſh vpon Sunday, Tueſday, and Thurſday, and vpon other daies Fiſh or ſuch like, with ſufficient drinke; but no meat to them that ſleepe not in the Ship. Neuertheleſſe the qualitie and quantitie of mariners food and

hires

hires goeth diuerſly, according to the diuers Cuſtomes of Countries, and the conditions made with them at the entring of the Voyage, whereof remembrance is to be kept to auoid diſcords, which are more dangerous on the Seas than on Land.

CHAP. XXIII.

Of the Duties and Priuiledges of Mariners.

ACcording to the Law of *Oleron*, Mariners owe all due obedience to the maſter, not onely in flying from him in his wrath, ſo farre as they can, but alſo in ſuffering; yet may they after one ſtroke defend themſelues.

In caſe of rebellion of mariners againſt their maſter, which is thought then to be done, when the maſter hath thrice lifted the Towell from before any mariner, and yet hee ſubmits not himſelfe: then may he not onely be commanded forth of the Ship at the firſt land, but alſo if he make open ſtrife and debate againſt the maſter, he ſhall loſe his halfe hire, with all the goods he hath within ſhipboord.

But if in this ſtrife a mariner vſeth any armour or weapons, then ſhould the reſt of the mariners bind him, impriſon him, and preſent him to the Iuſtice: ſo that if any refuſe to aſſiſt, he ſhall loſe his hire and all things elſe he hath within Ship-boord. Yea, in caſe any number of the mariners would conſpire, and force the maſter to paſſe to any other Port than to the which he was fraighted, they may be accuſed criminally and puniſhed, as for a capitall crime.

And yet if a rebellious mariner repent in time, and offer amends for a ſimple rebellion, and the maſter notwithſtanding refuſe, he may follow the Ship and obtaine his hire.

Mariners ought each one to helpe and aſſiſt others on the Seas, or elſe he that refuſeth loſeth his hire, and the oath of his fellowes ſhall be a proofe againſt him.

Mariners in a ſtrange Port, ſhould not leaue the Ship without the maſters licence, or faſtning her with foure ropes, or elſe the loſſe falls vpon them. They are alſo to attend the Ship vntill ſhe be diſcharged and ballaſted new, and the Tackle taken downe. And if a mariner during the time of her diſcharge and lading, labour not with the reſt of the company, but goeth idle, and abſents himſelfe, he ſhall pay a fine to the reſt of the company *pro rata*. In a ſtrange countrey, the one halfe of the company at the leaſt, ought to remaine on ſhipboord, and the reſt who go on land ſhould keepe ſobrietie and abſtaine from ſuſpected places, or elſe ſhould be puniſhed in body and purſe: like as he who abſents himſelfe when the Ship is ready to ſayle, yea if hee giue out himſelfe worthier than he is in his calling, he ſhall loſe his hire, halfe to the Admirall, and the other halfe to the maſter. But this eſpecially ought to be executed againſt an vnworthy Pilot. The mariner alſo forfeits his hire, if the Ship breake in any part, and he helpe not with all his diligence to ſaue the goods.

If it chance otherwiſe than well with the maſter, the mariners are then holden to bring backe the Ship to the Port, from whence ſhee was fraighted, without delay, except it be otherwiſe prouided.

A mariner may carry as much meat out of the Ship, as hee may eat at a meale, but no drinke.

A mariner may keepe either his portage in his owne hands, or put forth the ſame for fraight, and yet the Ship ſhall not ſtay vpon the lading of his portage: ſo that in caſe

caſe the Ship be fully laden before the goods for his portage be brought in, hee ſhall onely haue the fraight of ſo much goods.

If a Ship paſſe further than the Mariner was hired, his hire ſhould be accordingly augmented, except he be hired *a Mareages, mais non a deniers*, as the French-man ſpeakes; or by the moneth for all the yeare.

If a mariner runne away with his hire vndeſerued, he deſerues the Gallowes.

If a mariner be hired for a ſimple mariner, and afterwards in the Voyage findes hiring, to be a Pilot or a Maſter, he may paſſe, reſtoring his former hire; and ſo it is if he marrie.

Mariners are not onely to diſcharge and deliuer goods out of the Ship, but alſo if no Porters nor Carriers be in thoſe parts, to carry the ſame themſelues for ſuch hire as other workemen ſhould haue had therefore.

If it happen a Ship to be priſed for debt, or otherwiſe to be forfeited, yet the mariners hire is to be paied, and if ſhe proſper, to receiue their pay in the ſame money that the fraight is paied with.

Laſtly, a mariner ſhould neither be arreſted, nor taken forth of a ſhip making ready to ſayle, for any debt, but only his hire and as much other goods as he hath in the Ship may be arreſted for it, according to the value of the debt, and the maſter to be anſwerable for all; becauſe the Ship is compared to a mans dwelling houſe, which is his ſure refuge by the Law, except it be for a ſworne debt, or a penaltie to the King through ſome crime.

Chap. XXIIII.

Of the Office of Aſſurances, *and the Ancient Cuſtome of the ſame.*

Laudius Cæſar, the fifth Romane Emperour, by ſucceſſion of gouernment from *Inlius Cæſar*, who was before the Birth of our Sauiour Chriſt, (borne vnder *Auguſtus*) and the firſt perſecutions of Chriſtians was vnder *Tiberius*, and the ſecond (more cruell) vnder *Caligula*, whom *Claudius* did immediately ſucceed. *Suetonius.*

This *Claudius* did bring in this moſt laudable Cuſtome of Aſſurances, whereby the danger and aduenture of goods is diuided, reparted, and borne by many perſons, conſenting, and agreed vpon betweene them, what part euery man will bee contented to aſſure, make good and pay if any loſſe or caſualtie ſhould happen to the goods aduentured, or to be made aduentured at the Seas, as alſo by Land; to the end that merchants might enlarge and augment their Trafficke and Commerce, and not aduenture all in one Bottome to their loſſe and ouerthrow, but that the ſame might be reparted and anſwered for by many.

This Cuſtome comming to the knowledge of the inhabitants of Oleron was recorded and by them ſet downe for a Law, and practiſed to be obſerued through all the Sea-coaſt Townes of France, and yet was firſt vſed in England, and after vs imitated by the Antuerpians, and all other Nations there inhabiting when that Citie did flouriſh. And whereas here in London, the meeting amongſt merchants was in Lombard-ſtreet in London, as aforeſaid (ſo called, becauſe certaine Italians out of Lombardie kept there a Pawne-houſe or Lombard, long before the Royall Exchange was builded by Sir *Thomas Greſham* knight) all the polices or writings of Aſſurances which then were, and now yet are made, do make mention, That it ſhall be in all things concerning

Lombard-ſtreet, then the Exchange of Merchants.

the ſaid Aſſurances, as was accuſtomed to be done in Lombard-Street in London; which is imitated alſo in other places of the Low-countries. Theſe Aſſurances are made in the ſaid Office in the Weſt end of the ſaid Royall Exchange in London, which are of ſeuerall natures, as followeth, and at diuers and ſeuerall rates. The Commiſſioners for the ſaid Aſſurances are choſen yearely (or at the leaſt ſome of them) in the beginning of euery yeare; And at Roan, at the time when the merchants of all Nations chuſe their Prior and Conſulls. The chiefe authoritie with vs doth reſt in the Lord Maior of London, confirmed by an Act of Parliament in the later time of Queen *Elizabeth* (as you may vnderſtand by the manner of proceedings for Aſſurances) for the obtaining whereof, I haue ſundry times attended the committees of the ſaid Parliament, by whoſe meanes the ſame was enacted, not without ſome difficultie; becauſe there was many ſuits in Law by action of Aſſumpſit before that time, vpon matters determined by the Commiſſioners for Aſſurances, who for want of power and authoririe could not compell contentious perſons to performe their ordinances; and the partie dying, the Aſſumpſit was accounted to be void in law.

¶ *The nature of Aſſurances.*

THe nature of Aſſurances are either vpon goods laden or to be laden outwards in ſuch a ſhip, bound from ſuch a place to ſuch a place. As for example, from London to Saint Lucar vpon Perpetuanoes or Corne, vntill it be laid on ſhoare at Siuill, which aduenture is as well in the ſmall ſhips, lighters, or boats, whereby it is carried vp to the Citie of Siuill vntill landing of it, as it was in the ſhip whereby the ſaid Perpetuanoes or Corne was tranſported from London to Saint Lucar; and any damage either totally or in part, is to be anſwered by the Aſſurors accordingly, and *pro rata* that euery man hath ſubſcribed in the policie or writing of Aſſurance, as by the ſaid Commiſſioners for Aſſurances ſhall be ſet downe.

Other Aſſurances are made vpon goods laden or to be laden homewards in ſuch a ſhip vnder ſuch a marke, the maſters name, and any other circumſtances whereby the ſaid goods or Commodities may be knowne to be ſame that are aſſured; as laden, or to be laden, by ſuch a man, in ſuch a place, about ſuch a time, &c. which if it be in any ſhip that was fraighted outwards, may be better ſpecified, or if it be by letters of aduice, it may be deſcribed accordingly, which aduenture may alſo run from the time that the ſaid goods (*poſito* oyles of Vtrera) were laden into any Veſſell, Lighter, or Boat, to come downe the riuer to Saint Lucar to be laden in ſuch a Ship, or any Ship (neither naming the ſhip nor maſter) vnto the citie of London, and the ſaid Oyles there laied on land. But to declare that the Pipes are marked with ſuch a marke, to be laden by ſuch a man, doth much ſtrengthen the ſaid Aſſurance, to auoid cauillations, doubts, or controuerſies.

Other Aſſurances are made vpon goods laden in a ſhip for a certaine place, which ſhip is fraighted going and comming; as for Turkie, or any places in the Mediterranean ſea, bound to goe into ſeuerall Ports to diſcharge part of the lading in one place, and the reſt in another place; and then to lade againe homewards in ſuch another place: and all this Aſſurance is one entire Aſſurance, vntill the ſhip be returned home, and the goods ſafely receiued one land.

Other Aſſurances are made vpon goods to be ſent or laden from one place to another, and vpon the returne of the prouenue thereof; as from Lixborne to Braſile, and backe againe to Lixborne; or from Saint Lucar to the Weſt-Indies, Santo Domingo, Perou, or any other places, and ſo backe againe; or from Portugall to the Eaſt-Indies, and in like manner to Lixborne againe. All which Aſſurances are very dangerous, becauſe a man cannot haue aduice when the voyages are performed; and it hath fallen out, that the Aſſurors haue borne two aduentures for one, the ſhip making two Voyages vnknowne to the Aſſurors, dwelling in remote places.

Other Aſſurances are made vpon the Ship or Ships Tackle, Furniture, and Keele of the Ships, ſo called becauſe all is to be bound to the Aſſurors, and likewiſe the Aſſu-

rors

rors are liable and bound to anſwer for the whole Ship, as alſo for Cables, Anchors, and any Furniture, or part of the ſame, which is alſo dangerous and much ſubject to Aueridges and other caſualties, eſpecially if it be vpon a Ship that cannot drinke of all waters, whereunto diuers men may lay claime; or for ſome act perpetrated by her in times paſt, whereby the ſame may be called in queſtion, which is the cauſe that the price of Aſſurance vpon Ships is almoſt double.

Other Aſſurances are made vpon goods and merchandiſes ſent by land from one place to another, by the Conductors or Carriers to Venice, Frankford, or any other places, wherein the goods commonly are declared, and the marke alſo: and this manner of Aſſurance is eſpecially performed by the Conductors, who take for the charges a certaine allowance for euery pound weight that the goods do weigh, and moreouer, 2, 3, or 4 vpon the hundreth pounds in value that the ſaid goods are eſteemed to bee worth: and he doth appoint a ſufficient gard of ſouldiers to conuey the ſame by land and riuers to the places intended, which neuertheleſſe by a ſtronger power haue many times beene taken by the Freebooters.

Other Aſſurances are made vpon the liues of men, for diuers reſpects, ſome becauſe their eſtate is meerely for terme of life, and if they haue children or friends to leaue ſome part of their eſtate vnto, they value their life at ſo many hundreth pounds, for one or more yeares, and cauſe that value to be aſſured at fiue, ſix, tenne or more for euery hundreth pounds, and if he doe depart this life within that time, the Aſſurors pay the money; as it happened of late, that one being ingaged for Sir *Richard Martin* Knight, Maſter of the Mint, cauſed 300 ℔ to bee aſſured vpon the life of the ſaid Sir *Richard*, being ſome ninetie yeares of age, and therefore gaue twentie and fiue *pro centum* to the Aſſurors: The ancient Knight died within the yeare, and the ſaid Aſſurors did pay the money. Alſo one maſter *Kiddermaſter* hauing bought an office of the ſix Clerkes of the Chancery, and taken vp money of others, cauſed for their Aſſurance for many yeares together two thouſand pound to be aſſured vpon his life after foure and fiue in the hundreth, vntill he had payed that money; which is very commodious.

Likewiſe a traueller vndertaking a Voyage to Ieruſalem or Babylon, deliuering out money payable at his returne, will prouidently aſſure a ſumme of money vpon his life, either to ſecure ſome men that do furniſh him with money to performe his Voyage, and to put forth the greater ſumme, or to leaue ſome meanes vnto his friends, if he ſhould die & neuer return. So that this office is moſt neceſſary in all humane actions, and men cannot inuent or imagine any thing, but the value of it may be aſſured, as you may judge by the former examples. And herein muſt be noted, that Aſſurors are very fitly compared vnto Orphans, becauſe they may endure much wrong, but cannot commit any; for they are to bee ordered and commanded by the Commiſſioners ſentence, and muſt performe the ſame; to which end the Lord Maior of London (for the time being) hath authoritie to commit them to priſon, if in caſe they do not ſatiſfie the ſame within a time limited vntill they doe it.

Other Aſſurances are made, and theſe are the moſt dangerous of all, becauſe they are made vpon ſhips and goods, loſt or not loſt; which is not onely in regard that a ſhip knowne to be departed, doth not arriue in many moneths after to the appointed place of diſcharge: but alſo if any newes doe come that the ſhip and goods is caſt away, neuertheleſſe if the Aſſurance bee made with the words (loſt or not loſt) the Aſſurors beare the aduenture of it, vnleſſe it can be proued that the party who cauſed the Aſſurance to be made, did ſee the ſhip when it was caſt away, in this caſe it is a fraud: as the fraudulent dealing of him that had a rotten ſhip, and cauſed Aſſurance to be made vpon her, and cauſed the ſame to periſh or ſinke at the ſeas, to make the Aſſurors to pay for his rotten ſhip which could not be ſold by him. Fraudulent Aſſurances.

In the caſe of Aſſurances of loſt or not loſt, I remember that in the yeare 1583, there was a rich Carracke called the Saint Peter, (comming from the Eaſt-Indies for Lixborne) miſſing a long time, and there was Aſſurance made vpon her in Antuerpe, Roan, and other places, at 30 *pro centum*. Within three yeares after, there came or did

arriue at Lixborne a ſmaller ſhip richly laden, which was made of the other ſhip which was caſt or ſhoare in a certaine Iſland, and thereupon certaine controuerſies did ariſe betweene the owners of the goods and the Aſſurors, as alſo the Maſter and Mariners. At laſt it was adjudged at Lixborne by the ſea-Law, That the Maſter and Mariners ſhould haue one third part, and that the Aſſurors ſhould come in for ſo much as they had *pro rata* aſſured, all charges deducted; the ſhip to be the owners of the former Carracke: with the like conſideration as aforeſaid.

Prices of Aſſurances.

Concerning the price of Aſſurances or *Premio* (as the Spaniards call it) it is differing in all places, according to the ſcituation of the place, and the times either of war or peace, or danger of Pirats, men of warre, or rockes, and vnacceſſible places, ſeaſons of the yeare and ſuch like: and the ſaid *Premio* was neuer leſſe than at this time, for Aſſurances are made for Middleborough and Amſterdam at 3 *pro centum*, the like from London to Roan and Diepe, Edenborough in Scotland, and Hamborough in Eaſtland: and from London to Bourdeaux and Rochell, Lubecke, Denmarke, 4 vpon the hundreth: as alſo for Barbarie, for Lixborne, Biſcay, Ireland, Danſicke, Riga, Reuell and Sweaden, 5 in the hundreth: Siuill, Gibraltar, Maliga, and the Iſlands, 6 and 7: for Ligorne, Ciuita Vecchia, 8 and 9: Venice 10: Wardhouſe 9, Ruſſia, 9, Santo Domingo 11 and 12: and for the Eaſt-Indies 15; nay both for going and comming hath bin made at 20 *pro centum*.

Chap. XXV.

Of policies of Aſſurances, *and the ſubſtance of them, and of* Contributions.

WE haue parrly touched what a policie or writing of Aſſurance is, by the nature of Aſſurances aforeſaid, and the dangers and aduentures whereunto the Aſſurors are ſubject. But now we are to expreſſe them vpon the very words contained in all or moſt policies of Aſſurances, namely,

Of the Seas, men of Warre, Fire, Enemies, Pirats, Rouers, Theeues, Iettezons, Letters of Mart, and Couenants, Arreſt, Reſtraints and Detainements of Kings and Princes, and of all other perſons, Barratrie of the Maſter and Mariners, and of all other Perills, Loſſes and Misfortunes whatſoeuer they be, and howſoeuer they ſhall happen or come, to the hurt and detriment of the Goods and Merchandiſes, or any part or parcell thereof, &c.

Firſt, the Policie of Aſſurance ſaith, That ſuch a man (of what nation or quality ſoeuer hee be) cauſed himſelfe to bee aſſured from ſuch a place to ſuch a place, vpon goods, or, &c. laden or to be laden, in the good Ship called the Dragon, or, &c. of the burthen of ſo many Tunnes, whereof A.B. is Maſter for ſuch a Voyage, and to beare the aduentures aboueſaid. If the perſon whoſe name is vſed in the Aſſurance, bee in time of warre taken to be no friend to the State, there is a danger to pay the ſaid Aſſurance; if (after the ſubſcription of the Aſſurour) the goods ſhould be arreſted and be made forfeited to anſwer the ſame to the Prince, albeit this was by the late Queene *Elizabeth* contradicted in the point of honour, as it pleaſed her of a Royall and Noble diſpoſition to ſay in a caſe concerning the Portugals, ſubjects to her aduerſarie, *Philip* the ſecond King of Spaine. For in the yeare 1589, a great ſhip being taken by certaine men of warre of London, and brought into Plimmouth laden with Pepper, Sugar, and other commodities at Lixborne, to bee deliuered at Venice; it pleaſed the Lords of her Highneſſe moſt honourable priuie Councell to deliuer vnto me all the

Letters,

Letters, Bills of lading, and Inuoyces which were found in the ſaid Ship (being written in ſix or ſeuen ſeuerall languages, to the end I ſhould make truere port of the contents of them, to know to whom properly the ſaid goods did appertaine: in doing whereof I found that a great part of the ſaid goods did belong to the Venetians, as alſo to the Florentines, with whom the ſaid Queene had no quarrell; but that the ſaid goods were aſſured at Lixborne by the Portugall Merchants. Hereupon there was a pretence to make them good prize, and the matter was long debated, and at laſt reſolued that the parties ſhould haue reſtitution of their goods, the rather for that the Portugalls were great loſers many waies: which was done accordingly.

The loſſes which ordinarily, according to the ſeaſons of the yeare happen vpon the Seas are vnknowne: the like is, more or leſſe, with men of warre, Enemies, Pirats, Rouers, and Theeues, eſpecially with men of warre in times of hoſtilitie (as it is in times of peace by Pirats, Rouers, or Theeues) which are aſſailing theeues: for otherwiſe if there be theeues on ſhipboord within themſelues, the maſter of the Ship is to anſwer for that, and to make it good, ſo that the aſſurors are not to be charged with any ſuch loſſe; which ſometimes is not obſerued. As fraudulent aſſurances and the loſſe of ſtolne goods within ſhipboord, doth not concerne the aſſurors: ſo likewiſe the fault of the Pilot is to be conſidered on their behalfe, by the Lawes of *Oleron*, after that the Pilot hath brought the Ship in ſure harbour, he is no further bound or lyable: for then the Maſter is to ſee to her bed and her lying, and beare all the reſt of her burthen, Charge, and danger. So that if before ſhe come into the Port or ſome ſafetie, either ſhee or goods periſh or be ſpoiled, the Pilot makes good the ſame; yea, if his fault or ignorance bee ſo groſſe, that the company ſees any manifeſt and preſent wracke to all thereby, then may they leade him to the Hatches and ſtrike off his head.

Loſſes to be well conſidered of, in the behalfe of the aſſurors.

Lawes againſt vnskilfull pilots.

Moreouer, if without apparant danger, ſome of the skilfulleſt Mariners deeme that a Pilot is not ſo skilfull, as he maketh boaſt or profeſſion of, then ſhall he both loſe his hire, and double the ſame to the Admirall and Maſter, or elſe (by the Law of Denmarke) paſſe thrice vnder the Ships Keele. And alſo if a Pilot hired for a Voyage be not ready againſt the day, he ſhall not onely pay the Maſter and Merchants damage or ſtay; but alſo the fraight that is loſt thereby, except ſickeneſſe or ſome very lawfull excuſe qualifie the ſame.

The like conſideration muſt be had in the contribution made to ſatisfie Pirats; for if ſhip or goods be redeemed from a Pirat, the contribution muſt be paied by al, becauſe the redemption is made for the ſafety of all. But if the Pirat be once Maſter of all, and yet take but ſome ſpeciall goods, whether from Ship or Merchant, and not as a contentation for ſparing of the reſt: in this caſe becauſe the remainder is not aſſured thereby but freely ſpared, no contribution is to be made for the taken goods, to charge any Aſſuror with any part thereof; For oftentimes Pirats take but things at pleaſure and not of minde to ſpoile. But now adaies commonly it is taken and ſuppoſed otherwiſe, howbeit beyond the Seas the loſer of the goods ſo taken, beareth his owne loſſe vnleſſe it be aſſured. It was ſo judged by a packe of Stockings taken (out of a Ship of Amſterdam bound for Sanlucar) by the Moores of Barbarie, in the yeare 1589, and the Aſſurors paied accordingly, who had aſſured onely vpon that Packe: whereas if it had beeene caſt into an Aueridge to make all the Aſſurors of that ſhip contributarie, the ſaid Aſſurors had beene much eaſed. And it is therefore to be obſerued, and the Law of *Oleron* is, If by the loſing of any caſt goods, or vpon any needfull occaſion the remaining goods be ſpoiled, either with wet or otherwiſe, a contribution ſhall be made proportionable for ſo much as they are made worſe.

Contribution for Pirats.

Contribution for ſpoyled goods.

Againe if it bee needfull to lighten a Ship, for her eaſier entry into the harbour or channell, two parts of the loſſe fall vpon the goods, and the third part vpon the Ship, vnleſſe the Ship is more worth than the lading, and that the charge of goods bee not the cauſe of her inabilitie to enter, but ſome bad qualitie proceeding of the Ship it ſelfe, or that otherwaies it bee prouided in the Charter-party, that the goods ſhall be fully deliuered at the Port couenanted and appointed for them. Condition makes

Contribution for lightening.

Law,

Law, which concerneth the Aſſurors alſo to looke vnto. In which caſe it is alſo to be obſerued, That if by occaſion of lightening, the goods which are in the Boat or Lighter periſh, the Ship and the goods remaining on ſhipboord ſhall make good the ſaid loſſe. But on the contrary, if the Ship and goods remaining periſh, after the Lighter is once ſafe, no contribution ſhall be ſet vpon the goods in the Lighter, becauſe it is a certaine rule, That goods are liable onely to contribution, when ſhip and goods come ſafe to the Port.

Contribution for Pilots.

Item, contribution ſhould be for the Pilots fee, that hath brought the Ship into an vnknowne Port for her ſafegard, as alſo to raiſe her off ground, when the fault is not in the Maſter.

So is it when two Ships ruſh and croſſe one ouer another, and the company ſweare, that it lay not in their power to ſtay the ſame, contribution muſt be made for the reparation of both their loſſes; but not ſo if one of them periſh, for which, an Action may bee brought againſt the negligent Maſter or Mariner, who did make her looſe. And therefore, if ſuch a chance doe happen in the day time by a Ship vnder ſayle, againſt a Ship riding at Anchor; then the Maſter of that ſayling Ship, ſhall make good the damage and hurt of the other, to the vttermoſt: and the like ſhall be done, if in the night, the riding Ship doe put forth fire and light, or make any crying to forewarne the other.

It alſo appertaineth to this Argument; If ſome ſort of goods, as Salt, or Corne, be laid on heape by diuers parteners in one Ship, without diſtinction, and that the Maſter deliuer to any of them their due meaſure, and before the reſt receiue their meaſures, the remaining Salt or Corne waſhes or loſes; he that had the hap to be firſt ſerued, enjoyes it fully without any contribution to the parteners: becauſe when theſe goods were put into the Ship, it was deliuered to the Maſter, *Tanquam in creditum*, and ſo he is become owner, as of money lent, which men are not bound to redeliuer in the ſelfe ſame pieces, but in value or ſuch like coyne, except there be ſome condition paſt to the contrary. And albeit this is not to be imputed vnto the Maſter as a fault, yet if he that receiueth a loſſe thereby, will bring in this as an Aueridge, and charge the aſſurors with contribution, it is vnjuſt, for the reaſon aforeſaid; and the Maſter muſt of neceſſitie deliuer to one man before another. And therefore in the next Chapter wee will ſet downe the manner of execution for contributions, otherwiſe called Aueridges.

First come, firſt ſerued.

Letters of Mart.

Concerning the danger and aduenture of Letters of Mart, or Contremart, *Siue jus Repriſaliarum*, or Letters of Marque, euery one knoweth that men hauing theſe Commiſſions or Letters from their Prince, are very vigilant in all places to ſurpriſe Merchants Ships and goods; for in this, one extremitie doth enforce another extremitie, when a man is oppreſſed with robbery, ſpoiles, and violence on the Seas, by men (falſly profeſſing friends) in ſuch ſort, that no petition, interceſſion, or trauell, can procure a mans right, but that the ſubject of one Prince hath open deniall of juſtice, or reſtitution of goods cannot bee had at the hands of a ſubject of another Prince, nor of the Prince himſelfe, who ſhould ſuppreſſe injuries and wrongs: Then (becauſe ſuch vnjuſt dealing doe import juſt cauſe of hoſtilitie and warfare) may theſe Letters of Mart be procured, to the end men may haue reſtitution or recompence of their loſſes, eſpecially, becauſe their proceedings ſeeme to denounce a warre without any Proclamation, ſhewing vnto other Nations the like diſtaſtfull fauours as they ſhew vnto vs, which are allowed to be done by Cuſtomes, Reaſons, and alſo by Statute Law in Scotland, and afterwards in England: the Aſſurors therefore cannot bee fauoured herein.

Detainements of Princes.

The next is *Arreſts, Reſtraints, and Detainements of Kings and Princes, and of all other Perſons* happening both in time of warre and peace, committed by the publike authoritie of Princes, as alſo by priuate perſons, both waies dangerous.

Priuiledged Ships.

There are in all Countries Priuiledged Ships and Boats, ſeruing the Countrey or the Prince, which haue great Prerogatiues, and are free of Impoſt and Cuſtomes, and not

not ſubject to arreſts; therefore the Aſſurors are not to care for them, for they are to ſerue the Prince: and all Ships are ſubject to this ſeruice vpon command, and if they refuſe, their Ships are forfeited by the Sea-Lawes: therefore in theſe caſes the fauour of the Admirall is alwaies required. It is an ordinary matter in Spaine and Portugall, to make an Embargo vpon all Ships, at the departure of the Weſt-India Fleet, or the Carrackes for the Eaſt-Indies; and many times vpon other occaſions, whereby Merchants Ships beeing laden are much hindered, eſpecially, if it be with Wines, Oyles, Raiſons, and ſuch like periſhable wares. Now if the owner of the goods, ſhall thinke that his wares doe periſh, lying two or three moneths laden, or if it be Corne that may become hot and ſpoiled; hee may renounce theſe goods or wares to the aſſurors, and thereby bring a great loſſe vpon them. Yet neuertheleſſe hee ſhall not need to abandon the goods, for by the Policie of aſſurance it is alwaies prouided, That in caſe of any misfortune, it is lawfull for him, his Factor or Aſſignes, or his Seruants, or any of them, to ſue, labour and trauell for in and about the defence, ſafegard, or recouerie of the goods, and any part thereof. And that the Aſſurors ſhall contribute, each according to the rate and quantitie of the ſumme by him aſſured. So that albeit, that it do fall out that the goods be not vtterly loſt when the Ship is caſt away, the Aſſured muſt recouer his whole money; becauſe he hath authoritie by the Policie of Aſſurance to recouer them, or any part of them, as aforeſaid, and he is afterwards to yeeld an account thereof, for ſo much as doth concerne euery man ratably: otherwiſe the Aſſured ſhall be diſcouraged, if by thoſe means he ſhould make his Aſſurance intricate and ſubject to all cauillations, and to the interruption of ſo neceſſarie and laudable a Cuſtome, as the matter of Aſſurance is. Therefore, as in the matter in hand, we haue a care for the Aſſurors, that they ſhould not be deceiued by thoſe that cauſe Aſſurances to bee made: ſo on the other ſide, we would auoid to miniſter any occaſion whereupon they might become quarrelſome, but that all ſhould bee left to the Commiſſioners determination, who are (or ſhould be at the leaſt) beſt able to examine the premiſſes.

A prouiſo in the Policies of aſſurances

Now concerning the *Arreſts* of particular perſons, vpon Ship or goods, the Aſſured can make no renunciation to charge the Aſſurors with any loſſe either in the totall or part, becauſe vpon caution giuen to anſwer the Law, the Ship or goods arreſted are inſtantly cleared in all places, either here or beyond the ſeas, where the arreſts are made, wherein the juriſdiction of all courts for ſea-faring cauſes are very carefull to ſee expedition vſed.

Arreſts vpon Ships.

Barratrie of the Maſter or Mariners can hardly be auoided, but by a prouident care to know them, or at the leaſt the Maſter of the Ship whereupon the aſſurance is made. And if he be a carefull man, the danger of fire aboue mentioned, will be the leſſe; for the Ship-boies muſt be looked vnto euery night and day. And in this caſe let vs alſo conſider the Aſſurors; for it hath oftentimes happened, that by a candle vnaduiſedly vſed by the boies, or otherwiſe before the Ships were vnladen, they haue beene ſet on fire and burned to the very keele, with all the goods in them, and the Aſſurors haue paied the ſummes of money by them aſſured: neuertheleſſe herein the Aſſurors might haue beene wronged, although they beare the aduenture vntill the goods be landed; for it commeth to paſſe many times, that whole Ships ladings are ſold on Ship-boord and neuer diſcharged, becauſe they ſhould auoid the paiment of Cuſtomes and Impoſts, and therefore they will breake no bulke, but depart from ſome other place. *viz.* Ships laden with Gaſcoyne Wine do come from Middleborough to London, which haue beene bought by the great, and either the ſeller of the Wines doth beare the aduenture of the ſeas, or the buyer. So euery yeare there are diuers Ships which come from Norway laden with Deale-boords, Plankes, Maſts, and the like Commodities, which being entred into the riuer of Thames for two or more daies, will depart againe for Spaine, or ſome places in the Straits, according as they haue made their bargaine with the Merchant: in like manner diuers other Ships laden with other Commodities, vpon the like bargains and contracts, will make further voyages, and not diſcharge

Barratrie of the Maſter.

in the place where it was firſt intended and named in the policie of Aſſurance. Now if after ſuch a bargaine made, the Ship and goods (either by fire, or any other misfortune) do periſh, the Aſſurors are not to anſwer for that loſſe, notwithſtanding the generall words (*And of all other Perills, Loſſes and Misfortunes whatſoeuer they be, and howſoeuer they ſhall happen or come, to the hurt and detriment of the Goods and Merchandiſes, or any parcell thereof*) contained in the policie of aſſurance as aforſaid. I hold it alſo conuenient to aduertiſe the Aſſurors of a cauſe of mine owne experience: In the yeare 1589 I cauſed the Ship of *Monſieur Gourdan* gouernour of Calais, to be fraighted for Lixborne, and to returne backe againe to Calais or London: the ſaid Ship (being arriued at Lixborne) was laden with Sugars, Pepper, and other Commodities to returne for London; whereupon I cauſed ſix thouſand French crownes to be aſſured at Roan. It happened that the ſaid Ship was caſt away vpon the coaſt of France, in comming homewards, and all the goods were vtterly loſt; whereupon intimation being made to the Aſſurors, I ſent to the Commiſſioners of Aſſurances at Roan, all my proofe concerning the lading of the ſaid Ship, hoping to recouer the money aſſured; but vpon examination of the Bills of lading, declaring truely the qualitie and quantitie of the goods, my Factor of Lixborne (conſidering the dangerous time of warre, and my dwelling in London) left the place of her diſcharge in Blanke, and by letters ouerland gaue me notice of it, which was made apparant to the ſaid Commiſſioners; yet neuertheleſſe (after the examination of the ſea-lawes and cuſtomes, and the Paracer had of all experienced Merchants) it was ſentenced againſt me, and the Aſſurors were cleered, and made onely a reſtitution of money receiued by them for their *Premio*, and yet of that they did abate one halfe or *medio por ciento*, as it were tenne ſhillings for euery hundreth pound for their ſubſcribing to the policie of Aſſurance, to my very great loſſe.

A caſe to be conſidered in Aſſurances.

To this purpoſe doth appertaine another propertie of Aſſurances, which happeneth, when Merchants cauſe a greater ſumme to bee aſſured than the goods are worth or amount vnto when they are laden into any Ship which is expected homewards, making account that their Factors will ſend them greater returnes than they do: in this caſe the Cuſtome is, that thoſe Aſſurors that haue laſt ſubſcribed to the policie of Aſſurance, beare not any aduenture at all, and muſt make reſtitution of the *Premium* by them receiued, abating one halfe in the hundreth for their ſubſcription, as in the caſe aforeſaid, and this is duely obſerued; and ſo a Law not obſerued is inferiour to a Cuſtome well obſerued.

A rare cuſtome in Aſſurances.

To conclude the point of policies of Aſſurances, let vs note, that of neceſſitie it is required as a conſideration precedent, that the Aſſurors muſt acknowledge themſelues to be ſatisfied of the *Premium* of Aſſurance, at the hands of the aſſured, or any other who doth vndertake to pay them: which beyond the ſeas is commonly paied within ſix moneths, becauſe that Merchants aſſuring each to other, may reſcounter their *Premios*, in the accounts kept thereof betweene them; for herein is vſed great truſt and confidence betweene them: and this appeareth alſo by euery mans vnderwriting in the ſaid policie of Aſſurance, in theſe words, I *A.B.* am content with this Aſſurance (which God preſerue) for the ſumme of one hundreth pounds. London this 10 of Auguſt 1620, &c. according to the ſum and time.

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CHAP.

CHAP. XXVI.

Of the manner of Contributions *or* Aueridges.

HAuing intreated of Contributions or Aueridges in regard of Aſſurors, now it behoueth vs ſomwhat to ſpeake of the manner how this is executed and performed; by ſome called Scot and Lot.

In the caſe of caſting of goods in tempeſtious weather, for preſeruation of life and goods, the maſter is to conſult with the mariners, & if they conſent not, yet the maſter may caſt ſome goods, if the ſtorme continue: but if the merchant be preſent, let him begin to caſt, ſaith the law of *Oleron*, and next the mariners who if they imbeſill any part to their owne vſe of that which ſhould be caſt, are to anſwer the double.

When the maſter ſhall come on land, he muſt (with the moſt part of his companie) ſweare that he did caſt the ſaid goods, for no other cauſe, but for the ſafety of Ship, goods and liues, which are to be caſt into an Aueridge or Contribution vpon ſhip and goods, whether they be burdenſome or of ſmall volume, as money, Iewels or ſuch like, not being weightie; things vpon a mans body, victualls, and ſuch like excepted.

But here ariſeth a queſtion, Whether goods laden aboue the ouerlope, or forbidden goods to be tranſported, ſhall be anſwered by Contribution? Sure if ſuch goods happen to be the cauſe of any danger or damage, the maſter ſhall beare the loſſe, and alſo criminally be proſecuted. But if goods vnaduiſedly (without conſent of the owner) be caſt out on the ſudden, the owner may vpon his conſcience eſteeme them to the very value, becauſe the company (by their raſh proceeding) hath loſt the priuiledge they had to eſteeme and appraiſe the ſaid goods.

Alſo any ſhips, geare, or apparrelll loſt by ſtorme, is not within Aueridge, and accounted like vnto a workman breaking or ſpoiling his tooles, or ordinary inſtruments. The like is for goods caſt, which were brought within ſhip-boord, without the maſter or his purſers knowledge.

In the rating of goods, by way of contribution, this order is obſerued, If they chance to be caſt before halfe the voyage performed, then they are to be eſteemed at the price they coſt; if after, then at the price as the reſt, or the like ſhall be ſold at the place of diſcharge.

The perſon (whoſe goods haue been caſt) is to be carefull to haue the ſame eſtimated before the ſhip do diſcharge, and to deale with the maſter for that purpoſe. For the law doth intend that the goods deliuered to him, are not only as a pawn or pledge for his fraight, but alſo bound to anſwer all ſuch Contributions and Aueridges that may happen; and therfore the maſter may put his helping hand thereunto, vntil, ſatisfaction be made, albeit that commonly the keeping of other mens goods are not alowed.

Three ſorts or manner of goods token vpon the ſea.

Herein let vs now conſider of things taken vpon the ſea, which are of three ſorts: the firſt wee haue alreadie noted to be goods taken by letters of Mart, by *Ius repreſaliarum*; the ſecond are taken from Pirats or ſea Rouers; and the third from profeſſed enemies. Touching that which is taken from Pirats, ſeeing they bee goods which they haue wrongfully taken from others, whether they be found in their owne or their ſucceſſors poſſeſſion; theſe are eſteemed to be a iuſt priſe or prey to any taker of them, ſo that account be made of them to the Admirall. And in caſe where the taker doth finde the goods of his friend or countreyman with the Pirat, it is reaſonable that reſtitution be made, vpon good conſideration of the charge & danger ſuſtain'd concerning the ſame.

If a ſhip or goods be taken from a profeſſed enemie, it is to be proceeded in according to the authoritie whereby it was taken. But if goods be taken by a profeſſed enemie, and afterwards the ſaid goods are taken againe from him, and the true owner doth

claime them, it ought to be reſtored to the owner; for the law taketh theſe goods to be as receiued, and not taken, yet with good recompence for them.

But when ſuch goods become a lawfull priſe to the taker, then the Admirall is to haue his tenth part (according to the offer which *Abraham* made vnto God, of the ſpoyle which he tooke of the fiue kings) and the remainder of the goods ſo taken, is to be proportionably diuided betweene the takers, or according to the compoſition formerly made. In theſe caſes there is alwaies a fauourable conſideration to bee had: which is the cauſe that if two forrein nations be at warre, and the one take a ſhip from the other, and bring her into a port or road within the bounds of a neuterall nation, alike friend to both, then may the Admirall of that nation ordaine that ſhip to be reſtored to her owner, and the perſons captiue to their former libertie, euen as if ſhe had beene brought backe to her owne port or countrie againe.

CHAP. XXVIJ.

Of the particulars to be obſerued in Aſſurances.

THE obſeruations to be conſidered of in matter of Aſſurances, are very materiall for euery Merchant, and deſerue a particular Chapter in this Treatiſe, which I haue compiled according to the circumſtances of the things themſelues, for the Aſſurors benefit.

1 The firſt I haue touched in the Partie who cauſeth the Aſſurance to be made, both for his honeſt dealing, and whether he be a friend to the State or Kingdome for the reaſons aforeſaid.

2 To know the Maſter of the Ship and Mariners to be honeſt, and of experience, to auoide the danger of Barratrie and other accidents.

3 To take notice of the goodneſſe of the Ship, and of her ſayling, eſpecially making her voyage alone, or in company of other Ships: whether ſhe be old or new built, and the price of the Aſſurance to be accordingly.

4 To know by the Map or Sea-cardes, the diſtance of the place or country where the Ship is to ſayle, and the dangers of knowne rocks and ſands.

5 To haue a regard what winde muſt ſerue, and the true reaſon of the yeare, which maketh a difference in the price of Aſſurance; as for example, an Eaſt, or North-Eaſt winde driueth from the land for Spaine, which is leſſe dangerous; and receiuing ſix or ſuen *pro ciento*, when a Weſterne, or North-weſt, or South-weſt (driuing from thence vpon the land) is to giue ſeuen or eight *pro ciento:* in Winter two in the hundreth more than in Summer, vnleſſe it be by calmes in places daungerous, as now in the Straights for the Turkiſh Pirats and without it, the Moores of Barbary, or other Theeues. So Ships going for Eaſt-land againſt Winter, wil giue two in the hundreth more than in Summer. The like for Ships bound for ſeuerall Ports more ſubiect to caſualties, &c.

6 To conſider of the places of hoſtilitie, where the Ship muſt vnlade or touch, the danger of generall or particular Embargos of Ships, the likelihood of detainements of Kings and Princes.

7 Not to aſſure for vnlawfull places of trade, or queſtionable between Princes, as Guinea and there about the Weſt-Indies; vnleſſe a good *premio* be giuen, as in a manner vpon aduentures loſt or not loſt.

8 To know vpon what kinde of goods you do aſſure, whether vpon Wines, Oyles, Salt, Raiſons, and ſuch like corruptible and periſhable wares, or vpon other ſtaple commodities, as Clothes, Tin, Lead or Silkes, &c. not ſubiect ſo ordinarily to Aueridges and contributions as the other.

9 To know what Ordnance and Munition the Ship is prouided withall, and not to aſſure vpon the bottome of the ſhip, but with good aduice.

10 If you assure vpon any particular goods marked, to know whether they be laden in the bottom of the ship, and there is danger of wetting and spoiling; if aboue in the ship there is danger of Pirats, or of casting ouer-boord; about the middle is best.

11 To be aduised not to assure beyond the limitation of your knowledge, by the means of others, or from Lixborne to Brasile, or from Venice to Tripoly, or such like voyages, whereof you cannot conueniently haue notice from time to time.

12 Lastly, to be prouident in the contributions and averidges, to answere for no more than is your due to pay, and to haue an inspection of the Bills of lading, if doubt be made of the Commissioners sufficiencie or knowledge in cases of this nature.

The Assurance vpon the liues of men (whether aged or yong, of good qualities and diet, of disposition gentle or quarrelsome, a traueller or a dweller) being somwhat extraordinarie, euery man is best able to consider of it by the acquaintance of the persons.

Chap. xxviij.

Of the manner of Proceedings for Assurances, *in case of Losses.*

WHereas the policie of Assurance remaining with the Assured, is registred *Verbatim* in the Office of Assurances, to the end that if the same should happen to be lost, yet by the said Register the party may recouer of the Assurors the seuerall summes by them assured; as also because if any newes doe come of the casting away of the ship, the Assured may come to the office, and cause intimation to be made to the Assurors, and to euery one of them in particular, of such a losse, which is also recorded there accordingly, expressing the time when this intimation is made: and in cases of Assurance made vpon lost or not lost; the verie houre of the day is to be set downe, whereby (if there were any fraud) it may sooner be detected. And if the Assured doth thinke conuenient, either for that hee hath almost assured all the value of his goods, or that he would haue the Assistance of the Assurors, when there is hope of recouerie of any part thereof, or any other cause which may moue him: then I say, the party assured may make renuntiation of all the goods to the Assurors, and he shall come in as an Assuror, for so much as shall appeare that he hath himselfe borne aduenture of; and the Assurors are to be contributaries to the charges of the pursuit, and they may jointly argue therein, and appoint their seruants or other persons to follow the same: and this renuntiation is also recorded in the said Office accordingly. But if afterwards it shall be found, that the Assured hath made Assurance, or caused himselfe to be assured for more than the goods laden for his Account did cost; then the last Assurors which haue subscribed to the Policie, shall enioy the benefit thereof, as hath been declared. For by the Custome of Assurances it is intended, That to auoid cavillations, euery Assuror shall be bound *Ipso facto* to the said Assurance hauing a respect to the augmentation of traffique and commerce, according to the Maxime, It is better to suffer a mischiefe than an inconuenience, the mischiefe being attributed to one or some particular persons, and the inconuenience to the whole Commonwealth in generall.

Renunciation of goods.

Hereupon the party assured doth procure his testimonials, witnesses, or any other euidences concerning the said losse, declaring the manner and place, the cause, with all

circumſtances, either by examination in the ſaid Office of Aſſurances, or in the Court of Admiraltie, with all ſuch other proofe as by letters and all other means he can attaine vnto. All which he hath ready, or bringeth into the Office together with the Charterparty of fraightment, if he haue the ſame; the Policie of Aſſurance, the Bill of lading, the Invoice of the goods, the Factors letter of lading, wherein the Bill was incloſed, or any other letters made for the declaration and manifeſtation of all the matter in queſtion: which are all examined by the Commiſſioners for Aſſurances, at ſeueral appointed daies for hearing, procured by the Aſſured: at which times alſo the Aſſurors are warned to appeare, and record is made alſo of their meetings and proceedings. And herein is to be obſerued, that it may many times happen, that the Aſſured hath cauſed ſome Aſſurance to be made in ſome other place vpon the ſaid goods alſo. Therefore the Commiſſioners (if it be by the Aſſurors required) may examine the Aſſured thereupon by Oath, and then deale therein as they finde cauſe, according to the cuſtome of Aſſurances.

Proofe of the Aſſurors.

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To abreuiat the queſtions which the Civilians haue made concerning this Argument of Aſſurances, writing *De aſſicurationibus*, I haue thought good to let euery Merchant vnderſtand, That obſeruing the forme of the Policie of Aſſurances, with the obſeruation before declared, all the ſaid queſtions will bee preuented: and to proue the ſame by demonſtratiue reaſons, vpon euery queſtion alledged as followeth.

¶ *An Abridgement of Queſtions of Aſſurances.*

1 WHether an Aſſurance made vpon a ſhip named, is to bee vnderſtood of the ſhip or of the goods laden therein, or vpon both?

Anſwer. When the name of the ſhip is expreſſed according to the ſaid policie of Aſſurance made vpon the very keele of the ſhip of ſuch a burthen, there is no man endued with reaſon, that will attribute this Aſſurance to extend to the Goods laden in the ſame, much leſſe to both, when the ſhip is only named, and no goods at all.

2 Whether an Aſſurance made vpon 1000 Hides laden in ſuch a ſhip, from ſuch a place to ſuch a place, be good, without naming the ſeueral ſorts of hides laden therin

A. In all policies of Aſſurances the words run generall vpon the principal wares, and al other commodities or goods laden or to be laden by ſuch a man, for the account of him or any other; and ſo this (Generall) includeth all particular things, which when Aſſurance is made vpon them are named and ſpecified, as hereafter is alſo declared.

3 Whether vpon vncertain things to be laden, the Aſſurance be good?

A. When Aſſurances are made vpon goods laden or to be laden, as aforeſaid; the ſaid Aſſurance muſt needs be of validity: for the word Goods & Merchandiſes comprehends all vncertain rhings vendible: and if it were ſome particular thing, it is alwaies expreſſed.

4 Whether an Aſſurance made vpon one ſacke of Wooll be good, when there is many ſacks of Wooll in the ſame ſhip?

A. The queſtion is preuented by the cuſtome of Aſſurances, which is, That an Aſſurance made vpon any particular goods muſt be declared by the particular marke of the goods belonging to ſuch an Owner, or any other; and if there be more of the ſaid marke, the number therefore is added: and if the number were alike, the weight may diſtinguiſh the ſame; whereby the one ſacke being throwne ouer-boord for the ſafegard of the ſhip and goods, may be caſt into a contribution; or being taken by Pirats, the Aſſurors are to pay for it. So this queſtion is friuolous, as many other are, & breedeth but contention to imbibe merchants braines with them.

5 The like is when Aſſurance is made vpon commodities or goods without name or not naming the numbar, weight, or meaſure, but expreſſing the marke of all Goods laden or to be laden, as aforeſaid.

6 Whether the Aſſuror is to haue his *Premio* or Salarie vpon a conditional Aſſurance, or not?

A. There is no conditionall Aſſurance made, but with exception of ſome Adven-

tures

tures not to be borne by the Assuror, which are not compriſed in the policie of Assurance, and therefore the *Premio* is due to the Assuror.

7 Whether an Assurance made is to be vnderſtood of the firſt voyage which the ſhip doth make afrer the Assurance is made, and the ſhip appointed for lading.

A. This is to be vnderſtood alwaies of the firſt voyage, vnleſſe there were a declaration of a ſecond voiage in the policie of Assurance: and therefore I haue noted a caveat for Assurors, to be careful how they cauſe other men to aſſure for them in remote places, not to make them lyable to two voiages for one Assurance, nor to bee ſubiect to a ſecond voiage when the firſt is performed, but to be vigilant in their actions.

8 Whether an Assurance made for the tempeſt of the ſeas, be alſo to bee vnderſtood for Theeues or Robbers vpon the ſeas?

A. The generall and ordinarie policie of Assurance, containing all Aduentures, ſheweth, that the Assuror is to beare the Aduenture of both theſe; and if it were otherwiſe in particular, it muſt be declared. So that his diſtinction is vaine.

9 The like may be ſaid to the queſtion, Whether an Assurance made by ſtipulation be a Contract or not; or whether it be couentionall or conditionall? wherin this diſtinction is of no moment.

10 Whether an Assuror hauing payd the Merchant for Goods loſt, by him aſſured, may afterwards if the goods were found againe or recouered, reſtore the goods to the Merchant, and call for his mony which he payd, backe againe.

A. It appeareth plainly by all policies of Assurance, that the Assuror doth condiſcend, that the Merchant ſhall haue ful power & authoritie, by himſelfe, or his Factors and Seruants, to ſue for the recouerie of the goods, and that the Assurors ſhall contribute to the charges, *pro rata*, of their ſummes by them aſſured reſpectiuely. But the Merchant is not therefore hindered to recouer the money of the Assurors, neither can one particular Assuror haue all the goods; for the Merchant relinquiſhing the goods to the Assuror, reſerueth alwaies his part therein which he hath not aſſured, which he detaineth in nature of an Assuror; ſo that the Assuror hath not conuenient means to performe the contents of the queſtion, neuertheleſſe if the Merchant will, he may buy the goods ſo recouered of the Assurors, as they can agree; but then is the queſtion altered, and not the ſame.

11 Whether an Assuror is to anſwer any hurt or damage done vnto the goods by Mice, Rats, or any other vermin, eſpecially Moths?

A. By the policie of Assurance, that Assuror is to anſwer for all dammages, detriment, or hurt which ſhall happen to the goods after his vnderwriting: but if hee can proue the damage was before done in the ware-houſe or other place, he is not bound to anſwer the ſame.

12 Whether goods loſt in the ſhip-boat, being vnladen out of the ſhip, or being to be laden into the ſhip, ſhall be anſwered by the Assurors; or what may be layed to the charge of the Assurors by contribution?

A. This queſtion conſiſteth of two points: the anſwer to the firſt is plaine, according to the policies of Assurances, where it is ſpecified, that the aduenture ſhall begin vpon the goods laden in any Boat, Veſſell, or Crayer, to be layd aboord of ſuch a ſhip, or being diſcharged out of the ſhip, the aduenture to continue till the goods are ſafely landed. But to the ſecond the anſwer is not ſo plain, becauſe it dependeth vpon the ſea-law, and muſt be conſidered accordingly. For as we haue noted in the Chapter of Contributions, if by occaſion of Lightning, the goods which are put into the boat or lighter periſh, the ſhip and remaining goods in the ſhip ſhall anſwere for the ſame. But on the contrary, if the ſhip and remaining goods periſh after the Boat or Lighter is once ſafe, no contribution ſhall be on the goods in the Lighter; for the law is, That the goods ſhal only be liable to contributions when ſhip and goods are ſafely arriued to their intended port of diſcharge. According to this rule is the Assuror to anſwer for contribution *pro rata*, of the ſum by him aſſured.

13 Whether Assurance made for Pirats is to be vnderſtood alſo for Theeues who by night ſteale the goods from the ſhip?

A. The

A. The anſwer is ſo euident, that both the one and the other is compriſed in the Aſſurance, as there needeth no other explanation.

14 Whether an Aſſurance made at one time vpon goods to be bought and intended to be laden, and afterward found not to be bought at the ſame time, but at another time, doth binde the Aſſurors to pay the loſſe?

A. This queſtion is worthy the conſideration, & doth meerely conſiſt in the obſeruation of time, and not in the buying of the goods, although it be ſo propounded; for the time maketh great difference in the Aſſurance, as I haue noted before. Goods laden in Summer are not in aduenture comparable to the Winter, when ſtormes and tempeſts do ariſe; and therefore are not the Aſſurors to be made anſwerable to this aſſurance; for the cuſtome herein is cleare, and concurring with the Law of *Oleron*, and therefore not compriſed in the tenor of the policies of Aſſurances: which is the cauſe alſo that Aſſurors are to haue a ſpeciall regard to the Maſters of ſhips, whether they be vitious or diligent: for the loue of women and wine maketh them to loſe the opportunitie of time; ſo that by contrary windes their voiage is retarded, and which was to be made in Summer, falleth out to be in Winter, ſubiect to eminent dangers and loſſes, whereunto the Aſſurors become liable, as is declared, whether it be by accident misfortune, caſualty, rare ſucceſſes and negligences of Maſters and mariners, vnlooked for and hapning in ſtrange manner ſuddenly.

15 Whether an Aſſuror be liable to the Aduenture of goods ſhipped from one ſhip into another.

A. Sometimes in policies of Aſſurances it hapneth, that vpon ſome eſpeciall conſideration this clauſe forbidding the transferring of goods is inſerted, becauſe in time of hoſtilitie or wars between Princes, it might fall out to be vnladen in ſuch ſhips of thoſe contending Princes, whereby the aduenture would be far greater. But according to the vſuall Aſſurances which are made generally without any exception, the Aſſuror is liable thereunto: for it is vnderſtood that the Maſter of a ſhippe without ſome good and accidentall cauſe, would not put the goods from one ſhip into another, but would deliuer them (according to the charterparty) at the appointed place: which is the cauſe that when aſſurance is made vpon ſome particular goods laden in ſuch a ſhip, vnder ſuch a marke, the Policie maketh mention of the goods laden to be tranſported and deliuered to ſuch a place by the ſhip, or by any other ſhip or veſſell, vntill they be ſafely landed. So that in all theſe and the like the condition makes the law.

16 Now there is a queſtion, Whether an Aſſuror is anſwerable to the Aſſurance of goods to beare the aduenture if no goods were laden, or but part of the goods.

A. If a man doe binde or oblige a thing to be found in ſuch a place, and it is not found there; euery man knoweth that the ſaid thing tied to a local place, cannot bee bound thereby, becauſe it is a body named without ſubſtance, and not *in Rerum natura*, and there would be vnderſtood a priuation without being, and where there is not *Materia & forma* firſt, there can be no priuation. But if part of the goods were laden, then the Aſſurors are liable for ſo much as that part of goods did coſt or amount vnto: albeit that in this (as I haue touched before) Cuſtome is to bee preferred aboue Law; for the Ciuill Law (if there be many Aſſurors in a ſhip vpon the goods laden therein) maketh all the Aſſurors liable *pro rata*, as they haue aſſured according to the ſaid part of goods laden, if a loſſe do happen; or if there be cauſe to reſtore the *Premio*, or Salarie of Aſſurance in part. But the Cuſtome of Aſſurances doth impoſe the loſſe vpon thoſe Aſſurors which did firſt vnderwrite, and the later vnder-writers of the Aſſurors do not beare any part of the loſſe, but muſt make reſtitution of the *Premio*, and reſerue only one halfe vpon the 100 ℔, or 10 ß. for their vnderwriting in the policie of Aſſurance, as is obſerued. The Civilians therefore haue noted, That in aſſurances the Cuſtomes of the ſea-Lawes, and vſe amongſt Merchants is chiefly to be regarded and obſerued.

Cuſtome to be aboue law in this particular.

In like manner, if a ſhip bound for a certain port, being at ſea, be driuen back to the ſame from whence it departed, and by tempeſt be caſt away, the Aſſurors are to anſwer the damage of the goods laden therein, for ſo much as they did aſſure, as they doe in

other

other caſualties. Aſſurors therefore are rightly exempted by the Diuines and Canoniſts, to be no maner of waies Vſurors, taking a benefit by Contract, &c.

The matter of loſſe being well examined and made plain, the Commiſſioners then with a mature deliberation doe ſet downe their determination and ſentence, That the Aſſurors ſhall pay euery one the mony by him aſſured; and if thereupon any one doe deny to make paiment accordingly, then (vpon Certificat to the Lord Maior of London, and ſome of the ſaid Commiſſioners made of his refuſall) they haue by Act of Parliament (as aforeſaid) authoritie to commit the ſaid Aſſuror to priſon, there to remaine vntill he do pay or ſatisfie the ſaid ſentence or finall decree, which no man of any credit will incurre. And thus is this laudable cuſtome eſtabliſhed in England; And beyond the ſeas they are compelled by the Magiſtrats to performe the like ordinances or ſentences pronounced in the like caſes of Aſſurances.

CHAP. XXIX.

Of Shipwrecke, and things found vpon the Seas.

THE Merchant or the Aſſured, together with the Aſſurors haue great cauſe of encouragement to looke after the goods of a Shipwreck, for there is no forfeiture of the ſaid goods; but with all humanitie euery man is bound to aid them thereunto, and whoſoeuer ſteales any ſuch goods, he ſhall pay fourefold to the Owner thereof, if hee be purſued within a yere and a day, and as much to the Prince or Admiral: wherein the Sea-law is ſo ſtrict, that the ſtealing of a naile or the value thereof maketh the party guilty to the reſt of the goods. So that by the ordinance of the Emperour *Antonius*, The theefe or robber of ſuch goods ſhould be beaten, and baniſhed for three yeares; or if he were of baſe condition, ſcourged to the Gallies: for hee that will not helpe ſuch diſtreſſed men, ſhall be counted as a murtherer. And therefore may no man hinder ſhips to tie their ropes, or lay their anchors on land. And therfore did *Hadrian* the Emperor ordain, That all men hauing poſſeſſions on the coaſt, ſhould attend carefully vpon ſuch chances, otherwiſe they to be anſwerable for all things miſſed by robberie or ſtealth.

If no man in due time claim ſuch a wreck, then it belongeth to the Prince or Admirall, and any action for ſhipwreck muſt therefore be commenced within a yeare and a day.

Wherein alſo is to be noted, That if the ſhip only periſh, and the goods bee ſaued, then the goods ſhall pay the tenth or the fifth, as the difficultie of the ſauing thereof ſhall require. For Gold, Siluer, Silke, and the like things of eaſie tranſportation ſhal pay leſſe than goods of greater weight and burthenſome for carriage, as being in greater danger, except the Maſter carry in his ſhip to a place where he ſhould not, and then is the Merchant free of the Maſters loſſe. Now of things found vpon the ſeas, or within the flood mark, theſe are of three ſorts; either found on the ſtream floating, & then are called Floatſon; or found on the ſea bottom, and drawn vp from it, and then called Lagon; or found on land, but within the ſea flood, or caſt forth there by ſtorm and the water, and then are called Ietſon. *Floatſon. Lagon. Ietſon.*

Concerning Floatſon and Ietſon, whether things be caſt vp by Shipwrecke, or elſe left or loſt through caſting in ſtormes, the finders thereof (as ſome Lawyers are of opinion) ſhould do therewith as with other goods found vpon land, that is, to proclaim the ſame to be forth-comming to the true owner, becauſe the loſer remaineth ſtil proprietarie of them: and if no man claime the ſame, the finder to keep the ſame to himſelfe. But by the Rhodian Law, the finder hath one fifth part for the ſauing. And in France

France by the Admiraltie of Rochell, they allow *Pour le Droict de ſauvage* one third part, which my ſelfe haue allowed of eighty pipes of Oyle, and twentie two Butts of Sackes, which became Floatſon out of a Ship of Diepe, called the Deſire, which did periſh neere the Iſland of *Saint Martin de Rea*, not farre from Oleron, in the yeare 1589, the French K. *Henry* the fourth late deceaſed being then but King of Nauarre. So hath a Diuer for drowned goods, one third part vpon eight cubits deepe, and vpon fifteene cubits he hath halfe, and vpon one cubit but a tenth; which of late yeares was accordingly allowed in ſome part of Ireland, for drawing vp ſome Ordnance of the Ships, which of the Spaniſh Armada did periſh vpon the coaſt, *Anno* 1588. But by the Cuſtome now vſed, euery man of ſome qualitie will claime all as his owne, if it commeth vpon his land, contrary to the Law of Oleron, which giues it to the finder.

Allowance to Diuers in the Seas.

If Ships or Boats are found on the Sea, or vpon the coaſt, without any liuing creature therein, and no man claiming the ſame within a yeare and a day; then the halfe is allowed to the finder, and the other halfe to the Prince. But of late yeares all is left to the arbitriment of the Admirals, to conſider the finder or taker with ſome portion for his trauels, charges, and danger. And if the finder conceale ſuch goods, whether Anchor, Timber, Iewels, dead men with mony or Iewels about them, he not onely loſeth his part, but alſo ſhall be fined at the will and pleaſure of the Admirall.

If Whales, or Regall Fiſhes, Ships or Boats without liuing thing in them, be driuen by force of winde and waues onely to any coaſt or land, then all and wholly doth appertaine to the Admirall. But in the yeare 1617, a great Whale being found on the coaſt in Suffolk, where Sir *Robert Lloyd* Knight was Admirall for the late Queene *Anne*, his Majeſties Conſort, for her lands there; he tooke not the benefit hereof, as he might haue done, but the ſaid Queene had the ſame.

In like manner, a *Deo dando* or Deodant appertaineth to the Admirall, that is to ſay, The thing (whether Ship or Boat) that cauſed the death of a man, or whereby a man did periſh vnawares.

To conclude this point, let vs remember that in cauſes of ſpoile, it is ſufficient by the Lawes of England, for the ſpoiled to proue his goods by the marke, and the ſhipwrecke may not onely be proued by the perſons liuing, but alſo by the perſons who were preſent at the preparation of their voyage, euen their owne parents and children, if none of the Ship (broken) be aliue.

CHAP. XXX.

Of Partners of Ships and Voyages.

FOraſmuch as Parteners and Owners of Ships cannot be conſtrained by the Law to remaine in Partenerſhip, although they had made a couenant neuer to ſunder or ſeparate themſelues; therefore are there many conſiderations to be had and required in the ſame.

And firſt it is generally obſerued and accuſtomed, That if Owners of a ſhip newly builded or bought betweene them, ſhall fall out and be at variance, the ſaid Ship ſhall be emploied and make one Voyage firſt, vpon their common charges and aduentures, before any of the parteners be heard to ſunder and diſcharge their part. And after that, if they cannot agree, hee who deſires to be free, is to offer to the reſt his part, and to ſet the ſame vpon a price, as he will eithes hold or ſell; which if he will not do, and yet refuſeth to ſet the ſhip forth with the reſt of the Owners or Parteners, then may they rig the ſaid ſhip at their owne charges,

Law of Oleron.

and

and alſo vpon the aduenture of the refuſer,ſo far as his part doth extend, without any account to be made vnto him of any part of the profit at her returne. But they are only bound to him to bring her home ſafe, or the value of his part to be anſwerable for, and that iuſtly: becauſe ſhips were made and inuented in common for the vſe of all men, euen of them that dwell in the mountaines,as on the ſea coaſts, and ordained for ſailing,and not to lie idle and vnoccupied. But if the perſons who haue moſt part of the ſhip,refuſe to abide in partnerſhip with him who hath a ſmall part,that neither he can ſell his part at a price,without great loſſe,nor is yet able for want of meanes to attaine or buy their parts; then are they all bound to put the ſhip to an appraiſement, and ſo to diſpoſe of her by ſale,or ſetting of her forth on a Voyage accordingly; by means whereof their diſcord may be ended,and the ſhip not ſpoiled. And if for want of buyers in that place, the poore partner can neither auoid the oppreſſion of the Richer, nor yet the rich ſatisfie the poore man,which may alſo be wilfull, then may the Iudge of the Admiraltie or the ordinarie Iudge deale and decree the ſame, as hee may do *in omnibus alijs bonæ fidei actionibus:* And conſider of all the circumſtances of the perſons, of the matter of their difference, and of their motiues; that thereupon hee may adminiſter juſtice,in giuing euery man his due right.

In caſes where Owners do agree,and voiages are vndertaken,there the Maſter of the ſhip is placed by the Owners,and they ought to make good the Maſters fact & deed; ſo that the Mawer may lay his Action vpon any one of the Owners, but the reſt of the Owners ſhall *pro rata* of their portions be contributarie thereunto,except the handling of the ſhippe bee ſo ſeuerally diuided amongſt them, or that the Maſter hath not his Power and Commiſſion of them all; or that the Maſter hath bound himſelfe aboue his Commiſſion,as if he haue taken vp mony to mend the ſhip,when as he needs it not, or that he haue no Commiſſion at all: in which caſe the lender committeth an ouerſight,and hath no remedie but againſt the Maſter. But if there were cauſe of mending the ſhip,and the Maſter ſhould ſpend the ſame another way,the Owner is to ſatisfie the Creditor notwithſtanding. And aboue all things, mony lent for victuals to the ſhips company ſhould be payd and preferred before all other debts.

A Maſter placed by the Owners.

If a Merchant contracting with a mariner that is not a Maſter,be therein ouerſeen, he muſt content himſelfe,for he can haue no Action againſt the Owners, except for a fault done by a mariner which hath bin hired and put in by the Owners.

Againe,albeit that by the Sea-lawes the Owners may not purſue any perſon obliged to the Maſter; yet are they permitted to ſue vpon the Maſters contract,as if they had been principall Contractors. Becauſe herein they do repreſent and vndertake the perſon of the Maſter,and theſe priuiledges are granted to the Owners for the good of the Commonwealth,and augmentation of traffique.

Neuertheleſſe the Maſter is not bound to render an account of all to the Owners, as for paſſengers which are found vnable to pay: and ſo are not Owners bound to anſwer for the Maſters negligence. But it is very conuenient if the Owners be in place, that the Maſter do not let the ſhip to fraight, or vndertake any Voyage without the priuitie, knowledge, and aduice of the Owners, or of ſome of them, to the end many things may bee aduiſed by them,whereof the Maſter was ignorant.

CHAP. XXXj.

Of Monies taken vpon Bottommarie, by the Maſter of a Ship, called Fœnus Nauticum.

THe name Botommarie is deriued by the Hollanders from the Keel or bottom of a ſhip, vpon the paralel whereof the Rudder of a ſhip doth gouern and direct the ſame: and the money ſo taken vp by the Maſter of the ſhip is commonly done vpon great neceſſitie, when Moneyes muſt be had in forreine countries to performe a Voyage; for the Vſe paid for the ſame is very great, at 30, 40, and 50 *pro Cent.* without conſideration of time, but within ſo many daies after the voiage ended. This money is called *Pecunia trajectitia*, becauſe that vpon the lenders danger or aduenture it is caried beyond or ouer the ſeas: ſo that if the ſhip periſh, or that all be ſpoiled, the lender doth loſe the mony. But on the contrary, mony letten at intereſt is deliuered on the perill of the borrower; ſo that the profit of this is meerly the price of the ſimple loane, called *Vſura*: but the profit of the other is a reward for the danger and aduenture of the ſea, which the lender taketh vpon him during the loane, which is to be vnderſtood vntill the voyage ended: therefore if the money miſcarry either before the voyage begin, or after the terme appointed for the full loan, then the perill pertaineth to the borrower thereof, and not to the lender: I meane of perils proceeding by ſtorm, violence, ſpoile, or ſuch like occaſions which cannot be eſchewed by any diligence of the Borrower. Therefore if the Borrower imploy that money vpon commodities, and that the ſaid commodities become forfeited for non-payment of Cuſtome, the lender ſhal be cleare of any damage thereby. It is alſo to be noted, That mony lent at maritime intereſt, without haſard, but vpon ſecuritie, ſhall pay no profit otherwiſe than the money lent at intereſt, becauſe the ſecuritie is giuen ouer and aboue for the lenders aſſurance. Again, ſuppoſe it were mony not entred in the Purſers book, & yet lent for the need of the company within the ſhip during the voyage, if before the day appointed for the paiment, ſhipwrecke or ſpoile happen, then ſhould the loſſe come in contribution between them; becauſe if that mony had been lying by the lender ſtill vnlent, it had been in common danger with the reſt. But if the time appointed were paſt, with the perils aforeſaid, then ſhall the borrower pay that mony ſo borrowed, free from all contribution.

Difference between Intereſt money and Bottommary.

Locatio or hire

Further, in caſe the borrower detaines any ſuch mony lent as aforeſaid, beyond the time appointed for the repaying, hee ſhall at his returne not onely pay the the profit agreed vpon before the Voyage, but alſo augment the ſame according to the longer time, and ſhall pay the profit of that firſt condition accordingly.

Some Merchants there are that will deliuer mony in nature of *Vſura Maritima*, ioyning the vſe money and danger of the ſeas, either vpon the ſhips or goods, all in one conſideration, and ſo take 25 or 30 vpon the hundred, at the return of ſuch a ſhip from ſuch a voyage: wherein they haue an eye to the perſon that taketh vp the money, making account to be better aſſured by a vigilant eye vpon a Merchants traffique, whom they muſt truſt (if they will make benefit of their monies) rather than to deliuer their mony vnto another, of whoſe dealing they cannot giue ſo good a iudgement. As for example, they know that ſuch a merchant doth deale for Turky, and that in knowne ſhips traffiking that way, the deliuerer of mony goeth vnto him, and maketh an offer to lend him 1000 ℔ for a voyage to be made with Kerſies and Tinne to Tripoli, and that he will beare the aduenture of thrt mony during all the voyage, which he knowes

Combination of intereſt mony and Aſſurance.

is

is commonly performed within the yeare: for(ſaith he) you know that I am an Aſſuror, and you do vſe to aſſure your goods, and to increaſe your trade you take vp mony at vſe of others in ſmaller ſummes: it may therefore be very commodious for vs both to include the price of the aſſurance and the vſe money together; and ſo with the return you ſhal be prouided to pay me again, if God do proſper the ſhip & make homewards ſpeedily: if not, I can demand nothing of you, but muſt be content to bear the loſſe with patience. Hereupon a Contract is made betwixt them, ten in the hundred is accounted for the vſe mony, and ten in the hundred for the aduenture of the Goods outwards, and another ten in the hundred for the aduenture of the return homewards, in concluſion there is 30 *pro Cent.* ſo that vpon the return of the ſaid ſhip he is to haue 1300 ℔ within ſuch a time as they commonly agree, bee it one or two moneths after. This is a good bargain for the lender, how ſoeuer the borrower of the mony may ſpeed; for the lender hath not to do with the ſale of the goods, nor with the returne of them: but he will be ſure that at the returne of the ſhip he will haue his mony paid him, not only by the prouenue of the Kerſies and Tin which was bought with 1000 ℔ he lent; but alſo with the returne of all other goods which the borrower did lade more in the ſaid ſhip for Tripoli as aforeſaid, and in like manner for other places.

Con tract of Intereſt and Aſſurance ioyntly.

CHAP. XXXIJ.

Of Shipping and Navigation.

VNder the name *Navis* is all kind of ſhipping vnderſtood, and *Navigium* is a generall word many times vſed for Navigation. So that it is not of any moment to deſcribe the diuerſitie of ſhippes, as Carrackes, Galleons, Galleaſſes, Gallies, Centauries, ſhippes of War, Fly-boats, Buſſes, and all other kindes of ſhips and Veſſells. But that we may vnderſtand the ſea Lawes, and cuſtomes obſerued therein, appertaining to the Law-Merchant, as alſo thoſe things which properly may concerne ſhips, as followeth.

All ſhips being made for ſailing, are to be prepared accordingly, both for goodneſſe and fit timber, and conuenient building; as for the placing of the rudder of the ſhip vpon the right paralel of the Keele of the ſhip, for therein conſiſteth a main point for ſwift ſailing, which is found to be a great defect in many ſhips partly new built and repaired: for new timber and old mixt together doth neuer endure long, eſpecially if the ſhip be not repaired in time before ſhee be much decaied, which often commeth to paſſe when the owners of it cannot agree therein. The law therefore is commendable, that if the moſt part of the owners, or thoſe that haue the greateſt intereſt & part therein, cauſe the ſame to be repaired, that hee who prouideth not his money for his part within foure moneths after, ſhall loſe his part to the other owners, if he refuſe to be conformable with the reſt, or with his partner in the ſaid ſhip, who did diſburſe the ſame; and moreouer he is to pay the conſideration of the mony alſo, for the time that the ſame was laid out.

The Paralell of Equalitie.

Some make a queſtion, Whether a ſhip ſo amended and repaired ſhall be taken to be the ſame? But it is cleare, that ſo long as the keele of the ſhip remaineth, it is ſtill the ſame ſhip; ſo is it alwaies belonging vnto the owners of the ſhip, although they had fabricated and amended the ſame with another mans timber: for the ſelling of a ſhip is not a ſufficient courſe to alienate the ſame; but the quiet poſſeſſion thereof muſt be deliuered vpon the ſale made. And although the ſale be made, and the poſ-

ſeſſion of a ſhip deliuered, if neuertheleſſe it afterwards ſhall appeare that ſome haue committed piracie with the ſame, the party who loſt his goods may lay an Action to the ſhip in place conuenient. Hence the prouerbe ariſeth, That ſuch a ſhip cannot drinke of all waters. Albeit this Law is not generall, no more than a ſhip driuen by tempeſt into an Harbor or Port, is ſubiect to pay cuſtome there, albeit ſome demaund the ſame, although no bulke be broken, which ſeemeth to be vnreaſonable. A contract therefore taketh his ſtrength from the parties contracting, and the place where it is made, according to the Cuſtomes thereof. It is therefore alſo dangerous to fraight vnknown ſhips, which may be ſubiect to other mens actions, and that in many places, where winde and weather may command them to enter; for ſhips are properly reputed amongſt moueables, *Quia non ſunt immobilia.*

A ſhip which canot drinke of all waters.

Here the ſhip wrights or builders of ſhips are an eſpeciall ſort of perſons to be conſidered and reſpected, called by the Grecians *Naupegi*; who are ſubiect to the juriſdiction of the Admiraltie, and to render an account of their skill and knowledge in the building of ſhips, to make the frame thereof comely and ſtrong, tyth and durable, or elſe pay the penaltie to be impoſed vpon them for all coſts and damages. Therefore they are to prouide good materials, and refuſe to take bad ſtuffe, as Aller, Beech trees, and ſuch like ſpongie timber for ſalt water; whereunto Merchants muſt haue a ſpeciall regard, and looke that no green timber be put in the worke, but ſuch good oke as hath been cut downe either at the wane of the Moone, or in the deep of Winter, or at ſuch times as experience proueth wood to bee moſt ſollid and durable: for being cut in other ſeaſons and dried vp, it becomes open to receiue the water, and conſequently the aire, which is the cauſe of putrefaction in all things vegitable.

Of Shipwrights.

Concerning Iron they are alſo to haue a care that it be not brittle, and that all bee performed with great care: Shipping being the walls of the Kingdome of England; and Shipwrights are forbidden vnder paine of treaſon to communicate or make their Art knowne vnto enemies or barbarous people.

From Shipping let vs come to Navigation, of the neceſſarineſſe whereof no man euer doubted, and whoſe perils are alwaies eminent: inſomuch that *Anacharſis* ſayd, That trauellers on the ſeas were no farther from death, than ſo many inches as the timber of the ſhip was thicke or broad: according to the ſaying of the Satyre, *Digitis à morte remotis quatuor aut ſeptem, ſi ſit latiſſima tæda.* Whom *Byas* the Philoſopher would neither reckon amongſt the liuing, nor thoſe who had life infuſed. And he was eſteemed to commit a great errour, that would bring any goods by ſea, which hee might transferre by land. Whereof more hereafter.

Navigation dangerous.

No man can be prohibited to ſaile in the main ſea, albeit in ſome places (where the waters are as Royalties vnto them) it be prohibited; as the Venetians do in the Adriaticke Lake, and other Princes and Commonweales in their juriſdictions and Commands, which hath bin obſerued time out of mind, and is taken for a moſt antient preſcription.

If a ſhip bound for Venice do enter into the Riuer of Lixborne, and there deliuer ſome goods or merchandiſes, and afterwards entring into the ſtreights of the Mediterranian ſea, be driuen by contrary windes to ſome other place or Iſland in the ſayd ſeas, and then make after that his diſcharge at Venice, all this time of the Voyage is but one Nauigation, and the Maſter of the ſhip hath committed no fault, and done his endeauor if he did depart from the firſt port at the appointed time by the Charter-party limited. But foraſmuch that wee haue already entreated of his duties to the Merchant, let vs in the next Chapter remember Navigation, with the communitie of the ſeas, and now make an abridgement of the Imperial ſea lawes of the Haunce townes.

Sailing from Port to Port.

CHAP.

CHAP. XXXIIJ.

An abridgement of the Imperiall Sea-Lawes of the Haunce Townes, made in the yeare 1614.

HAuing already in the precedent chapters declared the Sea Lawes generally obſerued in all countries,and that in compendious maner; I haue thought good neuertheleſſe to abridge in this place the Imperiall ſea Lawes of the Haunce townes,as they haue been reviewed and exactly ſet downe by the Magiſtrates of all theſe Haunce townes,at an aſſembly in the famous city of Lubeck,the 23 day of May, 1614, vnder 15 titles in ſeuerall articles,as in the margin is declared.

Of the building of ſhips.

No man ſhall ſet forth or cauſe any ſhips to be builded in any of our ſaid townes, vnleſſe he be a Citiſen,or haue obtained leaue of the magiſtrat.

No Maſter of a ſhip ſhal vndertake to build a ſhip in their partners abſence,vnleſſe he do it at his owne charges,and be able to ſet her forth alone, vpon paine of halfe a dollar for euery Laſt,to be payd, the one halfe to the Magiſtrate, and the other halfe vnto the Poore.

The Maſter of a ſhip is to conferre with his partners, and to conclude of what burthen the ſhip ſhall be built,and in what manner, to be done all in writing; and if it be found bigger, to pay two Dollars for euery Laſt,&c.

The Maſter hath no power to enlarge the building of a ſhip after ſhee be at ſea, vnleſſe it be vpon great neceſſitie, to aduance the voiage, and for her ſafegard, otherwiſe all the charges of it ſhall be his owne.

The Owners,Partners,or the Maſters of ſhips ſhall haue no power during the building of the ſhip, to giue away any of the materials or victuals of the ſhip,but to bring the ſame to account,vnleſſe al of them do agree thereunto,otherwiſe they are no to be paid for.

That with their generall conſent,ſome two or more perſons be appointed to buy all which ſhall be requiſit to the building of the ſhip, and prouiſion, and they to deliuer an exact account of it by particulars,&c.

Of the owners or partners of ſhips,and maſters.

The Maſter of a ſhip which hath been formerly for others at the ſeas, ſhall not bee imployed by others, vnleſſe he produce a teſtimoniall that he is diſcharged from the Owners in decent manner, vpon paine of 40 Dollars.

A Maſter being entertained, is forthwith to be aſſured by the owners,of his wages, whereby he may bee able to deale with his mariners; and the ſaid Owners are to doe their endeauor, to make good on their parts what ſhall be neceſſarie for the voiage.

All owners are to cauſe good accounts to be kept,and to deliuer vpon the finiſhing of them,publique Writings and teſtimonials of the Maſters good behauiour,and diſcharge of his vndertaking, vpon paine, &c.

If the Owners of a ſhip cannot agree with the Maſter,as is fitting, they may by general conſent make choice of another,and pay the ſaid Maſter his wages,& diſcharge him: and if he haue any part in the ſaid ſhip, they are to pay him for the ſame according to iuſt appraiſement.

Of the maſters office.

Euery Maſter of a ſhip is to haue knowledge of the compaſſe, and to be able to gouern and direct the ſame, and to hire his mariners accordingly; or in default thereof to be puniſhed for his preſumption and vndertaking.

To

To prouide Mariners of experience,and that the ſhip be not ouerladen,nor too light laden,but to haue his due ballaſt,and to haue his Cabin and ouerlop cleare.

That he be on ſhip-boord euery night,and vpon ſpeciall occaſions being abſent,he may leaue his Mate and other that may ſupply his place.

That they do not too much meddle with merchandiſe or trade, whereby they ſhall be hindered in the due care of the charge of the ſhip.

The Maſter is duly to pay the mariners wages,without any abatement, vnleſſe it be for monies lent them before, or cauſe to pay any thing to the owuers.

The wages due to Mariners for places neere at hand,are to be payd but by two payments; but for remote and long voiages, in three paiments; one at the departure,another vpon the vnlading of the goods,and the third vpon the ending of the Voyage, by equall portions in third.

If a Maſter vpon ſome reaſonable occaſion will diſcharge his Pilot,either vpon the vnlading or relading,he is to pay him full wages.

If Mariners be vnruly, and giue occaſion to hinder the voiage any way by their misbehauiour,to be proued by two other mariners,the Maſter may ſet them on land,or cauſe them to be puniſhed according to their demerit.

If mariners will not teſtifie of their fellowes misbehauiors,the Maſter vpon his oth ſhall be beleeued, and the mariner to be puniſhed accordingly.

If a Maſter do conceale the offences of mariners,he ſhall forfeit and pay fifty Dollars,halfe to the Magiſtrate,and halfe to the poore.

If a mariner ſhould kill another, the Maſter is to keep him in irons vntill hee bring him vnto the firſt judicature to be iudged,&c.

If a Pirat or theefe ſhall come aboord, and the mariners are willing to defend the ſame, and yet the Maſter will not fight, this Maſter ſhall neuer bee put in truſt any more, nor haue credit as an honeſt man, nor be ſuffered to dwell in any of the Haunce townes.

If a Maſter be put in truſt to bring ouer Pearles, pretious Stones, or Money,which are wares of no volume to pay fraight, but a conſideration; the Maſter is to haue the fourth part of it,and the other three parts are to be the owners.

If the Maſter beeing part owner, will ſell his part, or cauſe his owners to pay deare for it; the ſaid part is to be valued by indifferent perſons, and the Owners or ſome of them are to pay accordingly.

If a Maſter without cauſe will ſaile in another hauen than he is fraighted, and loſſe do happen, he ſhall anſwer the ſame of his owne means.

If a Maſter ſhall ſell the ſhip and the Merchants goods,and run away, hee ſhall not remaine in any of the Haunce townes, and ſhall be purſued to anſwere for the ſame to the vttermoſt by all meanes.

If by contrary winde and weather being entred into another Harbor,the Merchant doth ſell his goods, the Maſter is to haue his full hire, or to go the voiage.

If a Maſter finde himſelfe in places where neither himſelfe nor his pilot is acquainted, and may haue Pilots,but will not vſe them,he is to pay one marke of gold for his puniſhment.

If a Maſter haue his lading in corne,which becommeth hot, he is to coole the ſame in conuenient manner,if winde and weather do not hinder him,and the mariners are to haue two ſhillings lups for euery Laſt, for doing of it.

Of the hiring of mariners.

No Maſter from henceforth ſhall take any mariners to hire, without they haue a Paſport of their laſt ſeruice, vpon paine of two dollars,which paſports euery Maſter is to giue,and ſhall be printed with blanks for the names.

None ſhall hire another mariner by enticements of words, or by giuing greater Wages, but take them of courſe, vpon pain of tenne dollars,&c. And if the Mariner take his owne leaue, the Maſter may claime halfe the wages which another ſhall giue him.

The Mariners ſhall keepe their promiſe of fidelity to the Maſter,and be of good behauior,and quietly liue together,vpon pain as followeth.

If

If any do put himſelfe forth to be a Pilot, Boatſwaine, or any other officer, and ſhall be found inſufficient by two credible honeſt men, or be prooued by his company, they ſhall not only loſe their wages, but alſo be puniſhed according to the fact.

If a mariner be entertained, and at the Maſters charges, and before the Voyage the Maſter take diſlike of him, he may diſcharge him, giuing one third of his Wages, but it ſhall bee of the Maſters purſe, and not for the Owners to beare any part thereof.

When the Maſter hath entertained the mariners at the ſhip expences, the mariners are to make their lodging on boord, and to content themſelues with it.

When the ſhip is come to ſome port, or arriued at the place, the ſaid mariners are not without the Maſters leaue to go on ſhore, vpon paine to be impriſoned, and further to be puniſhed as cauſe ſhall require.

The mariners ſhall haue no gueſts on boord without the Maſters conſent.

No mariner ſhall haue his wife on boord in the night, vpon paine of a Dollar if he do offend.

No mariner is to diſcharge any ordnance, or ſhoot without the Maſters commandment, vpon paine to pay double for the pouder and ſhot.

All mariners ſhall both at ſea and in the harbor keep true watch night and day, according to the Maſters appointment, vpon paine of halfe a dollar to be abated of his hire, and by default to be puniſhed, &c.

Whoſoeuer be found to ſleepe vpon the Watch, ſhall forfeit 8 ſhillings lups, and he that findeth him ſleeping and conceales it, ſhall pay the like.

No Boatſwaine ſhall looſe a cable without the Maſters or Pilots commandment.

When a ſhip is detained by winde and weather in any ſtrange place, no mariner ſhal depart or go on ſhore without the Maſters leaue, vpon paine to loſe halfe Wages, the halfe of it to the Maſter, and halfe to the poore.

Neither ſhall the mariners go on ſhore when the ſhip is at anchor, without the maſters leaue, vpon pain of halfe a doller.

If any mariner go on land without leaue, and become wounded, the Maſter is not to looke to ſee him healed.

If a Boatſwaine being abſent be the cauſe of ſome great harme or loſſe, he ſhall anſwer for it: and if he haue no means he ſhall be then impriſoned one whole yere with bread and water: and if by his default the ſhip periſh, or ſome body be ſlaine, he ſhall anſwer for it with his life, or be puniſhed according to his offence.

When the Maſter with ſome of his mariners goeth on land, the mariners are to attend in the boat for him or to follow his order: and if any remaine all night on ſhore, he ſhall loſe his portage, and be puniſhed.

When a Maſter hath hired his company for a certaine place, and he hath afterwards aduice of his Owners or Partners, that more profit is to be made in another place; the mariners are to be content therewith, and to take content for their wages: wherein if they cannot well agree, then the moſt antient are to conclude, or other indifferent perſons: and if any mariner be not ſo contented, and thereupon quarells, he ſhal be puniſhed as a mutinous perſon. The like is to be done in any fraight which might happen, where the Maſter is agreed with, which being performed, then to bee determined in like manner for all controuerſies as aforeſaid.

When a Maſter hath maintained at his expences the mariners in the Winter ſeaſon, they ſhall not ſeeke to haue their wages augmented.

If a ſhip be detained by ſome Prince or Potentate, or ſent on a voyage, the mariners are to ſerue neuertheleſſe; and if any run away they are ſeuerely to be puniſhed: and hauing ſerued, the difference alſo is to be ended with indifferent proceeding, as is aforeſaid.

If mariners will go away vpon ending of halfe the voyage, the Maſter may demand all their whole wages.

If any mariner officer hauing receiued halfwages, run away, he is to be purſued and burnt in the face with ſome letter for a marke.

If

If any mariner do commit any outrage to the Maſter, he is to be ſeuerely puniſhed according to the offence. And if they combine or conſpire againſt the Maſter, wherby he may be driuen into ſome other harbour, or receiue great detriment to the ſhip and goods, all is to be puniſhed both by wages, life, and goods accordingly.

If the ſhip become aſſailed by Pirats or Frybuters, the mariners are to defend the ſame, and to aſſiſt the Maſter: and if they be found partakers in the taking of the ſayd ſhip, they are to be beheaded for it.

If a ſhip be in danger at ſea by tempeſt or ſtorms, the mariners are to do their vttermoſt endeauours to helpe the Maſter to ſaue the ſhip and goods: and if caſt away, to helpe to ſaue the furniture thereof, as alſo the goods and merchandiſes, and of them to haue ſome recompence for the ſauing: and for default, to be puniſhed by all means whatſoeuer.

When a ſhip is to be prepared or ſet forth, it muſt be done with a free and good wil, and that all things may be bought at the beſt hand; wherein one or more perſons may be employed with the Maſter, taking care to beſtow all things in conuenient place, with the conſent of the Owners; that the fleſh bee well ſalted and preſerued, and all other victuals prouided to be ſhipped at the appointed time, all with good order and direction.

But when a Maſter of a ſhip doth victuall in ſome other country where he hath no Owners, he muſt alwaies buy all things as good as he can, and thereof keepe alwaies a true and iuſt account, wherein if hee be found to deale fraudulently, hee is to be puniſhed for a theefe.

Therefore to prepare all things whereby a Voyage may bee ſooner accompliſhed, the Magiſtrates are to take care as well as the Owners, to further the ſame; ſo that the Merchant or the Fraighter of the ſhippe making the Goods ready to be laden, may finde the ſhip ready at the appointed time agreed vpon, vpon forfeiture of the whole fraight.

No Maſter of a ſhip ſhall for himſelfe alone, or his Owners, deale or lade any merchandiſe and goods in the ſhip, without the knowledge of the fraighter of the ſhip, but do all things orderly.

And whereas it may happen that in the preparing of the ſhip ſome of the Owners may not agree to the ſame; moſt voices ſhall ouer-rule the ſame, as the maner is in all ſea Lawes, and then mony may be taken vpon the ſhip for his part, by Bottommary, called *Fœnus Nauticum*.

Of Bottommarie. The Maſter of a ſhip hath no power to take vp money by Bottommarie in places where his owner or owners dwell, vnleſſe it were for ſo much only as his part commeth vnto in the ſaid ſhip; otherwiſe his own goods, and not the ſhip, is to anſwer the ſame.

But when a Maſter is out of his Countrey, and where hee hath no Owners, nor any goods of theirs, nor of his owne, and he cannot finde meanes to take vp by exchange, or otherwiſe, and that for want of money the voyage might be ouerthrowne; then may he take mony vpon Bottommarie, and all the owners are liable thereunto, otherwiſe he ſhall beare the loſſe.

Of Admiralty. When ſhips do enter into Admiraltie one with another, whoſoeuer breaketh the Admiraltie, is bound to anſwer the damage which ſhall happen thereby: if hee haue it not in mony, he ſhall make ſatisfaction by all other means.

Of goods caſt, or Averidge. If a ſhip at ſea be in danger, ſo as goods muſt be thrown ouerboord, theſe caſt goods are to be anſwered by ſhip and goods, as an Averidge, wherein the owners and goods on boord pay all *pro rata*.

If a Maſter cut his maſts or ſailes by ſtormy weather, the Merchant is to beare part of the loſſe; but not if the maſt do breake, or the ſailes be blowne ouer-boord.

The rating of the goods loſt, or to be caſt into an Averidge, is to be reckoned vpon the ſhip, as the ſame be valued to be worth, and that for ſo much as hee muſt take the ſame, if the Merchants will ſuffer it, and the like to be done in the appraiſement of goods, and the ſhips fraight.

When Merchants goods are taken at the ſeas, ſome of one man, ſome of another mans;

mans; euery one is to beare his owne losse, vnlesse it were otherwise agreed before the setting forth of the ship.

If a Ship breake on the seas, or bee cast away, whereby it cannot make his Voyage, then there is but halfe fraight due for the goods saued. *Of shipwrack, and goods found at the seas.*

When a Ship receiueth damage vpon the sea, by the Masters negligence, and bringeth neuertheless the Merchants goods home, the Master is to haue his full fraight: but for the goods which he bringeth not, there is no fraight due; and if any be damnified, he is to make good the damage.

If any man finde any ship wracke goods vpon the coast, or in the seas, driuing neere the ship, and fisheth vp the same, he is to answer the same to the next Magistrate, or jurisdiction thereunto adjoyning, be it towne or countrey, and the finder shall haue for his labour and paines the twentieth part. But if it be stolne goods vpon the seas, then he is to haue $\frac{1}{4}$ part.

When there is shipwrecke apparant to be on the seas, the Master is to see the persons to be landed first, then to saue the goods, tackle, apparrell and all the furniture; and of that which is saued, consideration for it is to be made by the arbitrement of honest men.

If so much be saued of the ships furniture as the fraight commeth vnto, then are full wages to be paied to the Mariners.

When two ships at sea cannot shunne one another, and both sustaine damage, vpon proofe made by oath not to be wilfully done, it is ended. *Of other damages at the seas.*

If a ship vnder sayle do run vpon another ship at anchor, and sinke the same, or commit other damage, the partie offending shall pay for all, and the ship shall also be liable thereunto, according to indifferent judgement.

If by storme a Ship breake loose and run vpon another, and indamage the same, the losse to be repaired as aforesaid.

If a Ship receiue damage by the anchor of another Ship hauing his boy, the same is to pay the damage; and if both Ships be in fault, then the same to be borne proportionably.

When a Ship is safely arriued at his place of discharge, the Mariners are to be diligent to looke to their discharge, vpon paine of halfe wages. *Of discharging of ships, and deliuering of goods.*

No Master shall sell any of the Ships victuals, vnlesse it were to preuent some losse, and so bring the money to account, or vpon necessitie of others to helpe them in distresse; and the remaining victuals hee is to deliuer to the Owners, and the Mariners shall take no part thereof after discharge, and the purser of the Ship is to looke to the safe keeping of it.

The Mariners are not to cast the ballast into the water, but to cause the same to be carried to the appointed place.

The Master is to deliuer instantly (vpon his discharge) a true account, &c. *Of the Masters reckoning, and of the lading, &c.*

The portage of Mariners shall not be allowed for Spaine nor France, &c. but when they are laden with salt, then they may haue it homewards.

The Mariners deseruing well, are to haue certaine extraordinary wages, and in all accidents and sickenesse to be prouided for; all which is agreeable to the sea lawes beforedeclared. *Of wages extraordinaries.*

Chap. xxxiij.

Of Nauigation and Communitie of the Seas.

TRafficke and Commerce (without Nauigation) would be of ſmall moment: therefore euen as God the Author and Creator of all things, hath made of the waters and earth on perfect globe, for their more mutuall ſeruice to mans vſe; ſo hath hee alſo diſtributed his ſeuerall and diſtinct Bleſſings to diuers Climats, to the end that (by ſupplying the barrenneſſe of ſome things in one country, with the ſuperfluities and fuitfulneſſe of other countries) there might be a communication and entercourſe betweene all nations, by way of Trafficke and Commutation of things interchangeably, whereby one common-weale ſhould liue with another; ſo that Trafficke betweene all people (hauing peace one with another) is free. And according to the common right of mankinde, *Iure Gentium*, the Nauigation through all the world, is no leſſe free and open to euery one, than the vſe of the ayre. God hauing ſo diſpoſed of the foure Elements, two to ſwim aboue mans head; and two to lie vnder his feet, the Earth and the Water. Hence it proceedeth, that paſſage both vpon Land and Sea through all Chriſtian regions, is and hath beene ſo indifferently permitted to all perſons of all Nations, euen to Turkes, Iewes, Barbarians, and Pagans, (not beeing profeſſed enemies) much leſſe to be reſtrained therefore of Chriſtians in all reſpects, both by land and vpon the ſeas, vnderſtanding the great maine Ocean ſeas, which cannot be hindered but by the right of warres.

The Law of Nations.

This excellent art of Nauigation is now ſo much practiſed and knowne, that the Voyages heretofore performed by Sir *Francis Drake* Knight, and after him by Maſter *Candiſh*, ſayling round about the globe of the earth in leſſe then three yeares time, is become no matter of admiration; and may be done in farre ſhorter time, as daily experience doth proue.

Of the variation of the Compaſſe.

Marueilous is that naturall propertie of the Magnes, called alſo Loadſtone, or Adamant ſtone, whereby the needle of the Compaſſe being touched, immediately turneth to ſome one certaine point of the heauens, and after ſundry motions hither and thither, findeth reſt only in one place and point. And albeit this point in ſeuerall Horiſons be different, yet in any one Horizon it remaineth permanent; and therefore it plainely appeareth, that the ſame proceedeth of ſome conſtant permanent cauſe naturall, & not of any vncertain cauſe accidentall; but what this cauſe ſhould be, is hitherto vnknowne. The moſt probable and beſt allowed, is the point Attractiue, which ſhould be of ſuch vertue as to draw the needle touched, alwaies towards the ſame point; affirming that there is a great rocke of Magnes ſtone, diſtant from the pole certaine grades. I haue of late yeares ſeene a Magnes ſtone (which the partie ſaid to haue had from a rocke in Sweathland) which weighed not much more than one pound, and ſuch was the Attractiue power of it, that thereby an Anchor of thirtie pound weight was drawne vp, as my ſelfe and diuers others haue made triall of; howſoeuer, this Mathematicall reaſon following, is worthy the conſideration of a good judgement.

As the Axis of the earth, notwithſtanding all other motions, remaineth (as it were) immoueable; and yet in reſpect of the Sphericall forme of the earth in euery ſeuerall Horizon maketh a line Meridionall, by reaſon of the Section made in the ſuperfices of the Horizons, by Meridians, hauing all that Axis as their common Diameter: So may it alſo come to paſſe of the line of the needle, and his variation, the needle being alwaies permanent in one plaine ſuperfices, according to the ſeuerall Section of the plaine

plaine wherein it reſteth, and the Horizon there may continually be made, in euery plaine new variations: For a ſimile, as in a paire of ballace of equall weight, there is a certaine motion too and fro, before they finde their true place of reſt (the ſame being onely in the leuell of the Horiſon) which commeth to paſſe by the Attractiue Center of the earth; who drawing vnto him either weight with like force, finding the ſubſtance like alſo, compelleth them to reſt in the ſuperficies, like diſtant from that Attractiue Center: ſo in the needle, being a body indued with two ſeuerall properties, the one of Grauitie and the other of Leuitie, which being equally peized, forceth him to abide in the Horizon; the other being Magneticall and receiued by the touch, cauſeth him to reſt alway in that one Meridian to the Magnes appropriate; it thereby commeth to paſſe, that after ſundry ballancing this way and that way, it onely ſettleth in the common ſection of this peculiar Meridian and Horizon. So that euen as in Dialls, the line of the ſtile onely accordeth and concurreth with the Meridian line, in ſuch as are void of declination (but in all ſuch plaines as are declinatory, the line of the Stile varieth from the Meridian line, and the ſame Angle of variation alſo altreth as well in reſpect of inclination as declination) ſo it may be ſuppoſed this variation of the Compaſſe to be nothing elſe but the Angle comprehended betweene the Meridian line, and the common Section of the Magneticall Meridian to the Horizon, in the Horizonceall plaine; and this Angle to be alwaies exactly equall to the Angle contained of the Meridian line, and line of the Stile, the Longitude of the place proponed, accounted from the Magneticall Meridian, being equall to the declination of the Dialls plaine ſuperficies, making computation from Sonth to Eaſt circularly, and the Latitude of the place equall to the complement of the inclination of the ſame ſuperficies Horologicall, wher in euery man at his pleaſure may judge with vnderſtanding, if he haue taſted but of the firſt principles of the Mathematickes or Coſmography. And hauing made mention of the Attractiue Center, I call to memory a conference, which in the yeare 1606 (being in Yorkeſhire about the Allome Mines, and certaine Lead Mines in Richmondſhire) paſſed betweene the Archbiſhop of Yorke, Doctor *Matthew*, and my ſelfe, in preſence of *Ralph* Lord Eure, with whom I went to Yorke to congratulate the ſaid Archbiſhop newly come to that See, which was concerning the Center of the Earth, which he ſaid was vnknowne vnto him what to conjecture of it; whereupon we entred into a large diſcourſe, inſomuch that from the loweſt Center, we did clime and aſcend to the higheſt Clymate by imaginarie conceits (for ſo is all the ſtudie of the Circle of the Zodiacke, & the appropriation of the twelue Signes therein:) and after many reaſons of the earths ſtabilitie, againſt the Pithagorians and *Copernicus* doctrine of Mobilitie (that is to ſay, Whether the Heauens moue, and the earth reſteth immoueable, or the earth moue, and the great Orbe of Stars be permanent mentioned before) we did finde all this to be imaginarie, and in that conſideration and imagination we did diſcend to the lower Center againe; and thereupon conclude, That whereas the Center is taken to be as a point of a great Circle, and ſo all weightie things falling thereunto, it may as well be a great Circle whereupon all other Orbes runne in circumference circularly: Seeing that the earth and waters together make the perfect Globe as aforeſaid, and all weightie things may be inclining to that Circle. But this matter beeing not concerning Nauigation, let vs returne againe to our obſeruations, That the maine Ocean Seas are common to all Nations as the paſſages are on the Land, to be nauigated for Trafficke and Commerce, yet no one man can Trafficke with any Nation without their conſent.

Experiences of former ages, doth confirme this imaginary Circle of the Zodiacke.

Concerning the Art of Nauigation, Mariners haue one great imperfection, that is, the want of exact rules to know the Longitude, or Arkes Itinerall, Eaſt and Weſt, without the which they can neither truely giue the place or ſcituation of any Coaſt, Harbour, Rode, or Towne; nor in ſayling diſcerne how the place they ſayle vnto beareth from them, or how farre it is diſtant: whereby they are inforced long before they come to any Coaſt, all night to ſtrike ſayle, not otherwaies than if they were vpon it, thereby loſing the benefit of proſperous windes, in ſuch ſort ſometimes, that whereas keeping a true courſe, they might haue been quietly at road, they are by contrarie and

aduerſe tempeſts carried farre off, and ſo not without great charge to the Owner, paine to the Company, and perill to their Ship are enforced to waſte their time; which of late yeares by ſome new Chartes and Inſtruments is in ſome part amended, albeit the ſaid Chartes are ſtill deſcribed with ſtraight Meridian lines running equidiſtant or parallell, which is erronious: and they ſuppoſe that running vpon any of their points of the Compaſſe, they ſhould paſſe in the circumference of a great Circle, and therefore in the plaine Cardes deſcribe thoſe windes with ſtraight lines, which is another abuſe. For the Ship ſteming the North and the South, onely maketh her courſe in a great Circle Eaſt or Weſt ſhe deſcribeth a parallell, and being ſtirred on any other meane point ſhee delineateth in her courſe a Curue or Helicall line, neither ſtraight nor circular, but mixt of both: which ſuppoſition being well obſerued, betweene two different Angles of variation, and conferred with ſome ſuch third Angle of a Curue line, euery degrees ſayling or thereabouts, will ſhorten their courſe of ſayling, that (with like winde and weather) they ſhall performe that in twentie foure houres, wherein they ſpend aboue three or foure daies, and many times the Voyage is thereby loſt and ouerthrowne. As I made Sir *Francis Drake* Knight to take notice of, in the yeare 1587, and after that more ſenſibly to Sir *Walter Rawleigh* Knight.

A very rare obſeruation reſpecting the Latitude.

CHAP. XXXV.

Of the diſtinct Dominions of the Seas.

PLato the Philoſopher, perceiuing that Equalitie would bee the cauſe that euery may ſhould haue enough, was of opinion, and willed all things in a Common-wealth to be common; whom Sir *Thomas Moore* in his Vtopian Common-weale ſeemeth to imitate, to the end that an infinite number of Lawes already made, and the making of ſo many new Lawes as daily are made might be aboliſhed; whereas all of them are not ſufficient for euery man to enjoy, defend and know from another mans, that which he calleth his owne proper and priuate goods. But finding afterwards that this Equalitie could not bee eſtabliſhed, and that many other inconueniences ſhould ariſe thereby, he did wiſely reuoke the ſame in his ſecond Common-wealth. For the ſame was neuer vſed in any age, nor by the Word of God commanded, when from the beginning he willed man to ſubdue *the earth, and rule ouer the fiſh.* And againe after the Flood, willing man to repleniſh the earth, and for the better performance thereof ſcattering Mankinde at the building of the Tower of Babell, ouer all the face of the earth, diuiding the Iſles of the Nations into their ſeuerall Lands, God being the Author of Nature, as alſo of the diuiſion: Inſomuch that when Mankinde was propagated to an infinite number of Creatures, and things vpon the earth not ſufficient for their ſuſtenance, then of neceſſitie followed the vſe of Trading vpon the Seas, both for Fiſhing and Ngotiation; which could not be done if all things had beene common, neither on Land, nor vpon the Seas, which thereupon became diuiſible, in places of Fiſhing, but not in the maine great Seas, which is common to all Nations *(Iure Gentium)* as in the precedent Chapter is declared; not that the words intend any Law ſet downe by common conſent of all Nations, but onely denoteth vnto vs the example or cuſtome of other Nations in ſayling and trafficking ouer the Seas, with commodities reared vpon the Land and by the Seas joyning thereunto, and not in the maine Ocean Seas where no fiſhing can be vſed; whereby the properties of both Lands and Seas are diſtin-

Renuntiation of goods in common. *Gen.* 1. 28.

diſtinguiſhed by the ſaid Law of Nations, agreeable in this particular with the Law of God: For the Morall Law prohibiting theft and the coueting of other mens goods, doth declare the ſaid propertie. And the Ceremoniall Law, willing euery man to make ſacrifices of his owne, doth confirme the ſame. By Diuine Law.

The meanes which God hath appointed, to make this diſtinction of the Dominions vpon the Seas, are as certaine as the menſuration of the Land whereunto the Sea is adjoyning, and in proprietie to be eſteemed accordingly, taking their names of the Countries and Kingdomes adjacent, or of their ſcituation; as *Mare Britannicum*, *Mare Germanicum*, *Mare Hibernicum*, and for ſcituation, *Mare Mediterraneum*, obſerued by Coſmographers, Hiſtoriographers, and Mathematicians: this is performed with the helpe of the Compaſſe, counting of courſes, ſoundings, colour of the grauell or ſands, and other waies to deſigne *Finitum ab infinito*: ſo farre as is expedient for the certaine reach and bounds of Seas, properly appertaining to any Prince or people; wherein the Doctors of the Ciuile Law haue recorded excellent obſeruations. *Baldus* ſaith, *Vidimus de jure gentium, in Mare eſſe Regna diſtincta, ſicut in terra Anda.* By the Ciuile Law.

Bartolus doth in his opinion allow for Princes and people at the ſea-ſide *Centum milliaria*, which is one hundreth leagues of ſea from their coaſt, if they extend their protection ſo farre, called by them *Diſtrictus maris & territorium*, which is moſt plaine in thoſe ſeas where the Iſles of Garneſey and Iarneſey are ſo ſenſible and viſible to the realme of England, or where there are ſuch rockes or eminent Markes as the Waſhes at the Weſt ſeas thereof; to which purpoſe *Paulus* a renowmed Ciuilian ſaith, That it is not needfull for him who would poſſeſſe himſelfe of any land, to goe about, and tread ouer the ſame; but it is ſufficient to enter in vpon any part thereof, with a minde to poſſeſſe all the reſt therof, euen to the due marches, to be made apparant by the inſtruments of Geometricians. And the like may be deſigned vpon the ſeas, notwithſtanding the ſoliditie of the one, and the continuall flowing too and fro of the other. By the Law of Nations and Cuſtomes. *Ad legem 1. de ter. diuiſione. In §. nullius in tratt, de inſula.* Viſible Markes of Dominion.

This diſtinction of dominion hauing continued ſo many hundreth yeares, needeth not to be corroborated with other proofe and arguments: yet let vs note *Obiter*, That if the ſame were not diſtinguiſhed as aforeſaid, one borne vpon the ſeas ſhould haue no countrie or nation to appeale vnto, and a dying inteſtate vpon the ſeas, ſhould miniſter occaſion of queſtion to know who ſhould adminiſter his goods; and making of a Will, how the ſame ſhould be proued and executed by Law, without approbation of ſome court or juriſdiction: whereas we finde many Admiralls of the ſeas, and their ſeuerall juriſdictions vpon the ſeas, as deputies to their Princes or States, who are alwaies abſolute Commanders in their precincts, according to the treaties and contracts made betweene Princes, which are in the nature of lawes, and inſeparable of the ſaid Princes right on the land, concerning the poſſeſſion of their Kingdomes or Common-weales, as the fundamentall cauſe of their dominion, wherein diſcontinuance (of any part of their right) cannot be pleaded againſt them. The Kings of England neuertheleſſe haue beene prouident and carefull herein: for Hiſtoriographers haue recorded, That King *Edgar* (one of the Saxon Kings long before the Conqueſt) made a ſuruay yearely of the foure great ſeas, and ſtiled himſelfe Lord thereof euen vntill Norway, and his progreſſe was moſt toward the North. It is alſo affirmed, That the ſaid King *Edgar* cauſed an inſcription to be made vpon his Tombe for a monument, calling himſelfe *Dominus quatuor Marea*: and as *Papinian* the Iuriſconſult ſaith, *In finalibus queſtionibus vetera monumenta ſequenda ſunt*. But this for the dominion of the kings of England ouer their ſeas, is not needfull. For afterwards *William* Duke of Normandie, after he had ſubdued the realme of England by conqueſt, cauſed himſelfe not only to be proclaimed King, but alſo that all the goods of the ſubjects were his, and ſo cauſed the land to be diuided, and yet was contented to change the title of a Monarchie by conqueſt into a Monarchie Royall, and was alſo Lord of the ſaid foure ſeas, by the former aſſumpſit, which had then continued 200 yeares; and his progreſſe by ſea was moſt Weſtward. For when Princes or Kings do ſtile themſelues by Proclamation, then the continuance thereof (without oppoſition of other Princes) is holden and obſerued as inuiolable and permanent. Caſes of Ciuile Law, or Admiraltie. *Mathew of Weſtm. Ranulp. Ceſtrienſis. Anno* 973. *Mare Britanicum. Mare Hibernicum. Mare Germanicum. Mare Deucalidon. Io. Bodinus de Reſp.*

Now

Grafuons Chronicle.

Now King *Henry* the ſecond ſucceeding *William* the Conqueror, within one hundreth yeares, did joyne Ireland to the crowne of England, and did reduce Normandie and other places in France to the crowne, taking (as it were) a new poſſeſſion of the ſaid ſeas: and *Henry* the firſt euery yeare, or within three yeares at the furtheſt, croſſed ouer into Normandie, hauing taken *Robert* Duke of Normandie priſoner.

Chro. Malmeſburie. *Iohn Hayward.* By ancient records, and Treatiſe, &c.

In the time of King *Edward* the third, there was a diſputation held with France, concerning the fiſhing of the ſeas about Brittaine: in which it was proued to belong to England, and thereupon France diſclaimed therein, as appeareth by the ſaid King *Edward* the third his Proclamation yet extant. Which arguments and contracts are as a law effectuall. And herein I muſt remember the ſingular care which the right reuerend father in God doctor *Abbot* (now Archbiſhop of Canterbury, & Metropolitan England) hath had, in procuring (at his great charges for the good of our poſteritie)

A rare booke remaining with the Archbiſhop of Canterburie.

an excellent great Volume or Manuſcript which was heretofore taken at Calais in France when the Spaniards tooke the ſame, *Anno* 1596, and caried to Bruxels in the Low-countries, whereof I haue had the peruſall, and made an Abſtract of the Chapters of the ſame, *viz.* The treaty of Peace betweene *Edward* the third, King of England, and *Iohn* King of France, for themſelues and their eldeſt ſons, namely *Edward* the Blacke Prince of Wales, and *Charles* Duke of Normandie Regent; the French King his father being priſoner to the ſaid King *Edward*: which Treatie was made the eight of May 1360, in Britanie neere Chartres, and confirmed at Calais; whereupon ſixteene Hoſtages were giuen to the King of England, by the French King, who was to come thither in perſon, and to pay three millions of crownes for his ranſome, of two crownes to be reckoned for an Engliſh noble, called in King *Henry* the eight his time Angell noble, being ſome 750000 ℔ ſterling. The ſhip whereof vpon the one ſide, did ſignifie the dominion of the ſeas; whereunto old *Chaucer* the Poet did allude in *Henry* the fifth his time. This mony was to be paied, to wit, ſix hundreth thouſaid crownes at Calais, within foure Moneths after King *Iohns* arriuall there, more, foure hundreth thouſand crownes within the yeare, and ſo much yearely vntill the full paiment made within the citie of London, being the Kings Chamber.

The ranſome of King *Iohn* of France.

After this follow the particular Letters for the deliuerie of ſeuerall Countries and Townes, as Caours, Carſin, Monſtreull, Calais, Rochell, Turaine, Poitiers, Poitou, Xantes, Xantogne, Dagonois, Perigot, and diuers others, beſides many letters concerning the French Kings libertie, and his Hoſtages, and of the homage to be made by the Earles and Barons to the King of England (who remaineth with the title of Soueraignetie and Domayne) beſides many other memorable things; ſo that all matters concerning the ſeas and land were eſtabliſhed for thoſe ſeas: and King *Edward* tooke ſix pence a tunne for fiſhing ſhips. King *Henry* the fifth who did conquer all France, and had the poſſeſſion of *Mare Bretanicum*, loſt nothing of his right; no more did *Henry* the ſixth, and King *Henry* the ſeuenth, as may appeare by their Proclamations, Treaties, and Contracts not onely with the French, but with the Archdukes of Burgondie, as by *Guiccardins* Chronicle, or Hiſtoricall deſcription of the Low-countries appeareth. And as Doctor *Dee* in his booke of Nauigation affirmeth, King *Henry* the ſeuenth in conſideration of the fiſhing trade, properly belonging vnto England (in his ſeas and dominions) had reſolued to ſettle a trade thereupon, which he preferred aboue all Voyages; for in thoſe daies, there was no fiſhing trade eſtabliſhed in the Low-countries. And it is not yet one hundreth yeares compleat, that one *Violet*, *Stephens*, and other diſcontented Fiſhmongers departed the Realme of England, and went into Holland to the Towne of Enckhuſen, where they procured the inhabitants to fiſh for them, in his Majeſties of great Brittaine ſeas, ſtreames, and dominions: which inhabitants (vpon the diceaſe of the ſaid Engliſh-men Fiſhmongers) tooke the whole trade to themſelues, diſperſing the ſame into many other Townes, whereby the ſame is admirably increaſed. Queene *Marie* being married with King *Philip* the ſecond of Spaine (vnder whom all the ſeuenteene Low Prouinces were vnited) granted a leaſe vnto the ſaid King for the fiſhing of his ſubjects in the North parts of Ireland, for one and twentie yeares, for a certaine fine, and paying one thouſand pound yearely

Chro. *Hollingſhed.* Chr. *Froiſſart.* *Guiccardin.* and the ſaid Treatiſe.

By originall antiquitie.

into

into the Treaſurie of Ireland, and *Edward Finton* Knight then Treaſurer. And the Companie of the old Haunce *in primo* of the ſaid Queene *Marie* had alſo libertie to fiſh within the ſaid ſeas, vpon certaine conditions, as appeareth in the Chappell of the Rolls of the Chancerie. And for England Northwards, licences were giuen at Scarborough Caſtle.

To this diſtinction of dominion of the Seas, I call to memorie the proceedings of that victorious King *Henry* the eight, who during the time that Calais was vnder the Crowne of England (as it hath beene full 211 yeares) vſed the inuention of the ſigne of the Portcullis, ſignifying the power of locking vp of the narrow Seas betweene Douer and Calais, which was thought conuenient to be vſed vpon the coyne made for the Eaſt-Indies, at the beginning of that trade, being pieces of the value of eight Royals of Spaine, whereof there was coyned in the Tower of London for a triall (in Ianuarie 1600) ſome ſix thouſand pounds, which could not be made currant there, becauſe the Spaniſh pieces of eight Royalls had beene before that time counterfeited by other Nations, which made the Eaſt-Indians to doubt of our coyne, although without cauſe. This noble King *Henrie* (hauing procured the Emperour *Charles* the fifth to meet with the French King) went ouer in perſon with a great power to beſiege the towne of Bulloigne in France, and when he ſaw that the Emperours Tent or Pauillion was made with the two pillers of *Hercules*, and the inſcription *Plus vltra*: and likewiſe the French Kings Tent with the three Flower-deluces, and the title of *Primus Chriſtianorum Rex*, He cauſed an Archer to be made vpon his Pauillion with Bow and Arrowes, and his inſcription was *Cui adherio præeſt*, declaring thereby his preſent ſtrength whereby he did qualifie thoſe warres, and peace was made betweene the Emperour and the ſaid French King, it being true that the ſtate of a Prince doth as much conſiſt by reputation, as by ſtrength.

Inuention of the Portcullis.

Our Soueraigne Lord King *Iames*, hath alſo beene mindfull of his right of diſtinct dominion; for the great bleſſings which almighty God hath allotted to the Kingdomes of Great Brittaine, Ireland, and the Iſles adjacent vnder his Majeſties Dominions, is ſo viſible to all the world, as that thereby they are rauiſhed with admiration. For albeit that the earthly bleſſings are produced in ſeaſonable times: yet the bleſſings of the Seas are directed and pointed at by the finger of God at infallible ſeaſons, cauſing thoſe watery creatures to offer themſelues for our ſuſtenance, and for the generall good of all creatures in places certaine, within his Majeſties Seas, Streames, and Dominions, and not into the maine where fiſhing cannot be effected. Whereupon his Majeſtie before his comming into England, did let the fiſhing of Scotland to the Hollenders for fifteene yeares, it being agreed by more ancient Treatiſe betweene them, that the fiſhing then agreed vpon ſhould be eighty miles from the Coaſt, to the end the Scoles of Herrings ſhould not be interrupted. His Majeſtie in the fourth yeare of his Raigne of Great Brittaine, made a Grant to one *Collyns* of Couentrie for twentie one yeares for the fiſhing in ſome parts of Ireland: and the like Grants haue beene made for the Iſles of Garneſey and Iarneſey, according to the Common Law of England, which (in this point concerning his Majeſties right of Dominion) is very copious, the handling whereof I leaue to the learned and judicious of the ſaid Law.

Grants made for fiſhing.

By the Common Law.

In the ſeuenth yeare of his Majeſties ſaid raigne, his Highneſſe cauſed a Proclamation to be made, concerning his Dominion of fiſhing, which being compendious and ſubſtantiall, I thought conuenient here to be inſerted *Verbatim*.

IAMES, *By the Grace of God, King of Great Brittaine, France, and Ireland, Defender of the Faith, &c. To all and ſingular perſons to whom it may appertaine, greeting. Although We doe ſufficiently know, by Our experience in the Office of Regall dignitie (in which by the fauour of Almightie God, We haue beene placed and exerciſed theſe many yeares) as alſo by obſeruation which We haue made of other Chriſtian Princes exemplary actions, how far the abſolutenes of our Soueraigne Power extendeth it ſelfe. And that in regard thereof We need not to yeeld account to any perſon vnder God, for any action of Ours which is lawfully grounded vpon that iuſt prerogatiue: Yet ſuch hath euer bin, and ſhall be Our care and deſire to giue ſatisfaction to Our neighbour*

Princes

Princes and friends, in any action which may haue the least relation to their Subiects and Estates: as We haue thought good (by way of friendly Præmonition) to declare vnto them all, and to whomsoeuer it may appertaine, as followeth.

Whereas, We haue beene contented, since Our comming to the Crowne, to tollerate an indifferent & promiscuous kind of libertie to all Our friends whatsoeuer to fish vpon Our Streams, and vpon any of Our Coasts of Great Brittaine, Ireland, and other adjacent Islands, so farre forth as the permission or vse therof might not redound to the impeachment of Our Prerogatiue Royall, nor to the hurt and damage of Our louing Subiects, whose preseruation and flourishing estate We hold Our selues principally bound to aduance before all wordly respects: so finding that Our coniuence therein, hath not onely giuen occasion of ouer great encroachments vpon Our Regalities, or rather questioning of Our right; But hath beene a meanes of much daily wrongs to Our owne people that exercise the trade of fishing, as (either by the multitude of strangers which doe preoccupie those places or by the iniuries which they receiue most commonly at their hands) Our Subiects are constrained to abandon their fishing, or at the least become so discouraged in the same, as they hold it better for them to betake themselues to some other course of liuing. Whereby not onely diuers of Our Coasts Townes are much decaied, but the number of Mariners daily diminished; which is a matter of great consequence to Our estate, considering how much the strength thereof consisteth in the power of Shipping, and the vse of Nauigation. We haue thought it now, both iust and necessarie (in respect that we are now by Gods fauour, lineally and lawfully possessed, as well of the Island of Great Brittaine, as of Ireland, and the rest of the Isles adiacent) to bethinke Our selues of good and lawfull meanes to preuent those inconueniences and many others depending vpon the same. In the consideration whereof, as We are desirous that the world may take notice, that We haue no intention to deny Our neighbours and allies, those fruits and benefits of peace and friendship which may be iustly expected at Our hands in honour and reason, or are affoorded by other Princes mutually in the point of Commerce and Exchange of those things which may not proue preiudiciall vnto them: So because some such conuenient order may be taken in this matter, as may sufficiently prouide for all these important considerations which doe depend thereupon: We haue resolued, first, to giue notice to all the world, That Our expresse pleasure is, that from the beginning of the Moneth of August next comming, no person of what Nation or qualitie soeuer, being not Our naturall borne Subiect, be permitted to fish vpon any of Our Coasts and Seas of Great Brittaine, Ireland, and the rest of the Isles adiacent (where most vsually heretofore any fishing hath beene) vntill they haue orderly demanded and obtained licences from Vs, or such Our Commissioners as We haue authorised in that behalfe, viz. *at London, for Our Realmes of England and Ireland, and at Edenborough for Our Realme of Scotland. Which licences Our intention is, shall be yearely demanded, for so many Vessells and Ships, and the Tunnage thereof, as shall intend to fish for that whole yeare, or any part thereof, vpon any of Our Coasts and Seas, as aforesaid, vpon paine of such chastisement, as shall be fit to be inflicted vpon such wilfull offenders.*

Giuen at our Palace of Westminster the sixth of May, in the seuenth yeare of Our Raigne of Great Brittaine, France and Ireland, *Anno Dom.* 1609.

By this Proclamation, is his Majesties Right and Dominion of the Seas, expressed in two words, by Lineall and Lawfull possession of an hereditarie Kingdome or Kingdomes, whereunto those Seas are joyned and appertaining.

It is not a Dominion obtained by an elective Kingdome, as Poland, Hungary, and others; neither is it had by any first discouerie, wherein the Pope must be a mediatour, as *Alexander* the sixth was betweene the King of Castile and Portugall, vpon the discouery of the East and West-Indies, by drawing a line vpon the Globe from the Island of the Canaries, to make the diuision betweene them: neither is it like to the Whale fishing in Greeneland, where some vpon their discouerie tooke neither possession, much lesse had any occupation, which maketh the stronger right: Neither is it by gift or purchase, as some Italian Princes in the Mediterranean Seas, which doe neuertheless injoy both freedome and benefit thereby; but it is vndoubted and indisputable as aforesaid.

The best mark of distinct dominions vpon the Seas.

To conclude this Argument, the distinct dominion of a bordering Prince vpon the Seas,

Seas, is beſt ſeene by the Tribute or Taxe which he taketh vpon fiſhing ſhips, whereof we haue many preſidents.

In Ruſſia many leagues from the Maine, Fiſhermen do pay great taxes to the Emperour of Ruſſia, and in moſt places none but his ſubjects are permitted to fiſh, and the Hollanders do giue him the tenth fiſh.

The King of Denmarke taketh great tribute, both at Wardhouſe and the Sound.

The Kings of Sweathlen haue done the like, which is now continued by the King of Denmarke, or Norway. The Duke of Medina Sidonia taketh for Tunyne.

King *Edward* the third of England, tooke ſix pence for euery Tun in his time, which by inhauncing of the money is now 18 pence.

All the bordering Princes of Italy, do take tribute of the fiſh taken within the Mediterranean Seas, for their ſeuerall Territories.

In Lappia, Fiſhermen do pay monies in the Sound for paſſage to fetch it, ouer and aboue the tenth fiſh.

The Earle of Orkney taketh the tenth fiſh, for the Iſles of Orcades vnder his juriſdiction: as the Fiſhermen doe to the Lords of the Manors in the Weſt parts of England, for Pilchards, Hake and Conger.

The States of the vnited Low-countries, doe take an Impoſition vpon fiſh taken within the Seas and Streames of other Princes, as alſo neere their Coaſt; and their ſubjects trafficking with the Ruſſians, as *Haunce Noblett*, *Haunce Van ſtracle*, *Robert Englegraue* and others, do continually pay the tenth fiſh vnto the Emperour of Ruſſia.

All which is requiſite for Merchants to know, to preuent troubles or loſſes, for the pretence of ignorance doth not excuſe, as our Merchants of Kingſtone vpon Hull haue found to their exceeding loſſe heretofore.

CHAP. XXXVI.

Of Cuſtomes, Subſidies, and Impoſitions paied vpon Commodities.

WHereas Cuſtomes, Subſidies, Impoſitions, Toles, Aceizes, Impoſts and other duties, by the exemplarie actions of Princes, and Common-weales, are due the Law of Nations; as a matter inherent to their Prerogatiues, becauſe they are abſolute Commanders in their Harbours, Hauens and Ports, where Commodities are exported: euery Merchant is bound to take notice thereof and to obſerue the ſame, according to the ordinances and proceedings vſed therein in all countries reſpectiuely: to auoid the danger of the loſſe and forfeiture of his Commodities, and to make a true calculation how to buy and ſell to profit, obſeruing how much vpon the hundreth pounds in value of his Commodities (rated by the orders of diuers countries) the ſame amounteth vnto, and to adde the ſame with the charges vpon commodities, to the price whereat the ſaid Commodities were bought, as well in his natiue countrey, as in other countries where he doth trafficke and trade.

Cuſtomes vpon commodities due by the Law of Nations.

In Ruſſia, Denmarke and Sweathen, the Cuſtome and Ordinances is; if a Merchant do not declare all his commodities, which he importeth or exporteth, but concealeth ſome part of them; all the Commodities of that kinde, are forfeited to the Prince; and he ſhall finde but ſmall fauour to redeeme them.

Rigorous dealing for Cuſtomes.

In Spaine, and other Dominions of the King of Spaine, the commodities concealed are onely forfeited, vnleſſe they be prohibited and vnlawfull goods.

In England, Scotland, and Ireland is the like, and only the goods concealed are forfeited, and may be had againe vpon reaſonable compoſition; for the Statute Law giueth authoritie to the Officer who maketh the ſeizure, that vpon licence ſued forth to compound, hee may doe it ſafely for his part, which is the one moitie; and for the other moitie which is the Kings, Merchants are gratiouſly dealt withall, by the Iudges or Barons of the Kings Exchequer, or others thereunto authoriſed: Inſomuch that it hath happened that ſome Merchants relying vpon this fauourable dealing, haue aduentured to expoſe their Commodities vnto the forfeiture thereof, being Commodities which pay much Cuſtome and Impoſition: as Cambrickes, Lawnes, Tabacco, Cutcheneale, Venice gold Threed, and other things, becauſe they were (in a manner) aſſured to make compoſition vnder the ſumme which they were to pay for Cuſtome and Impoſition.

Abuſe of fauourable dealings.

In France and Germany is the like for concealed Commodities, which are not declared in the Cuſtome-houſe; and Iewels, and precious Stones, and Pearles are freed of Cuſtome. And ſo was it in England, vntill of late yeares, ſince the Cuſtomes were taken to Farme, and yet they pay but three *pro cent.* of the value of their appraiſement, to be rated by the Officers of the Cuſtome-houſe at London. But if any Merchant or Ieweller bring ouer any Iewells or precious Stones and Pearles, hee is to declare them to the Officers or Waiters of the place where he landeth, otherwiſe they will be ſeized (by water or land) as forfeited to the King; wherein more ſtrict dealing hath beene vſed of late, ſince the King hath letten to Farme his moitie of the Seizures. So that firſt of all the Cuſtome of concealed goods muſt be paied, before any compoſition be made, next, the compoſition being made, then may the Informer be agreed withall. And no Commodities can be deliuered vpon ſecuritie to the owner, as formerly by the Law was accuſtomed to be done; but they muſt remaine in ſome ſufficient cuſtodie vntill the matter be tried by Law, or compounded by agreement. But prohibited Commodities (as Allome and other things) by Letters Patents and Proclamation, the poſſeſſion may be had, vpon ſecuritie to be giuen to anſwer the value thereof, according to the appraiſement made of them. And theſe Commodities (if the Maſter of the Ship doe not declare them, vpon his entrie made in the Cuſtome-houſe, vpon his oath) are alſo ſubject to the forfeiture, although they come conſigned vnto a Merchant or Factor vnawares, by another Merchant that knew not that ſuch Commodities were prohibited to be imported. The like is it for a Merchant ſhipping out vnlawfull wares: but herein he may haue intelligence by the Cuſtomer, before hee doe lay them vpon the water to be ſhipped. Againe, if a Merchant carrie money by water downe to Graueſend, with an intention to beſtow the ſame in Bayes at Sandwich, or in other Commodities at Canterbury: he is firſt to declare the ſame in the Searchers office, or elſe the money is loſt, and three times the value vpon information. For no money of Gold or Siluer, or any forraine Coyne or Plate brought into the Kingdome, can bee tranſported; onely for Paſſengers expences, ſome foure or fiue pounds may bee carried out. But for Commodities brought in, which haue paied Cuſtome, the ſame may be ſhipped out againe by Cocket, without paying any more Cuſtome and Impoſition; ſo it bee done vpon good Certificate, that it is the ſame Commoditie, and that the propertie thereof is not altered; and this muſt bee done within ſix moneths after their importation.

Strict orders for Cuſtomes at London, &c.

All Merchants ſhips being laden, haue alwaies (time out of minde) beene permitted to breake bulke below, or at Tilburie-Hope, and to pay no Cuſtome, but for the goods they brought vp, or landed in England, and not for the goods which they did tranſport in the ſaid ſhip, or in any other veſſell or ſhip: which priuiledge and certaintie of Merchants Cuſtome ought to be ſeriouſly obſerued, better than it hath beene of late. And of this and other obſeruations, Merchants and Factors are to giue notice to their friends and Maſters, to the end they do not in iucur any danger, which (to auoid

Permitted to breake bulke at Tilburie-Hope.

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in some sort) is effected by entring the goods vpon sight of the Customers view, by opening of them. To enter goods vpon sight.

In Barbarie and other places, where the Customes are paied in kinde or *Species*, if any part be concealed and not entered, that onely will be forfeited; and yet the losse is greater, because they will make choise of the best: as for example, Suppose a Merchant doth enter diuers sorts of Linnen-cloth, and concealeth some pieces, the Officers will take both the tenth piece for the Custome, and all the concealed pieces of the best and finest sorts, to your exceeding great losse.

In the Low-countries and Germany, as also in most places of Italie and Turkie, you shall onely forfeit the goods concealed, and be permitted to compound for them as you can agree, wherein the circumstances in some places will be considered, and the manner how the error grew, or whether it were done with a set purpose.

There are also in diuers places allowances made (as in England) vpon Wines in regard of lecage of tenne or fifteene vpon the hundreth, or else all the Butts and Pipes are to be filled vp, and so to pay accordingly; wherein the time of the Voyage, foule weather and other accidents are to be considered, to make your composition therafter. Allowances made vpon Customes and Impositions.

Vpon Clothes to be shipped out, there is allowance made of the tenth Cloth for a wrapper, which payeth no Custome: and so of all other woollen Commodities, which pay after the rate; as three Northerne Kersies for a Cloth, foure Deuonshire Kersies, two single Dozens, one double Dozen, six Cardinals, Pinwhites, Statutes, Stockebridges, Straites, and Tauistockes, foure Cornish Dozins, Pennystones vnfriezed, Island Dozens, and Northerne Plaines for one Cloth; two Bridgewaters, Cornish and Deuonshire double Dozens, Florentines, Northerne Dozens single, and Pennystones for a Cloth, to be vnderstood for a short Cloth coloured or white of twentie and foure yards long, weighing 60 ℔ vntill 64 ℔, whereof English Custome was a Noble, and the Merchant Stranger thirteene shillings and foure pence, whereunto is added the ancient Custome heretofore paied by the Merchants of the Steele-yard or Haunce-townes being 14 pence, so together 14 *ß* 6 d a Cloth, besides the ouerlength of 3 d $\frac{1}{4}$ the yard; which is of late comprised in the new Imposition of the pretermitted Custome for weighing of Clothes, at two pence the pound, so that a short Cloth paied in times past a Noble, and now ten shillings, besides the ouerlength, according to the weight, after the said rate at two pence for the pound: all which the Merchant stranger paieth double. Allowance vpon Clothes. The pretermitted Custome of Cloth.

Also whereas of late yeares, since the Customes were letten to farme, all Commodities, as Sugars, Spices, Raisons of the sunne, and others are weighed, and thereupon the Tarra for the Caske or Cheste is to be allowed, and so the Custome is paied. There ought good allowance to be made for the said Tarra, because many Commodities being vnladed, and hauing taken the moisture of the Seas, increaseth the weight of their Caske; so that Merchants pay many times custome for that which they haue not, by the strict dealing of Officers contrary to equitie and justice, if they do not warily look to their affaires, wherein the Officers may also be excused. Allowance for Tarra or Cask.

Now to conclude touching Customes, we must consider what they may amount vnto vpon the hundreth; according to which, Merchants are to cast vp their accounts for benefit and losse, as aforesaid.

The Custome in England (called *Parua Custuma*) was three pence vpon euery pound, that the Commodities are rated in the Custome Booke, which is paied by Merchants strangers, now altered paying six pence. Custome.

The Subsidie or poundage is paied by all Merchants of what nation soeuer, which is 12 d vpon all Commodities brought in. And for Cloth exported 6 *ß* 8 d for English Merchants, and Merchants strangers double. Subsidie.

The new imposition established in the yeare 1608 is also 12 d vpon all Commodities imported, and vpon some Commodities exported is limited; so that Custome and Subsidie in England is 12 $\frac{1}{2}$ vpon the 100 for Merchants strangers: besides butleridge or scauage, almost one *procent.* more for goods inward; and for English Merchants is ten vpon the hundreth. Imposition.

Impoſt. The Impoſt of Wines is limited vpon the Butt, Pipe, Hogſhead, as by the Booke of rates, with the compoſition money, and other duties.

In Spaine and Portugall they take after diuers rates for Commodities, ſome $\frac{1}{10}$ or $\frac{1}{15}$ and twentie fiue vpon the hundreth, eſteemed to be one with another *vn quinto* or $\frac{1}{5}$ part, or 20 *pro cent*. with the Alcaualla, taken from Brokeridge to ſell them. In Barbarie ſeuen *pro cent*. aboord.

Alcaualla.

The Turke taketh $\frac{1}{5}$ part, as the Ægyptians. The Venetians take 3, 5, 7, and 10 vpon the hundreth with great aduiſement, and vpon the Manufactures of other Nations 14, 15, and more. And the like is done in France to aduance the handie crafts man.

The Great Impoſts demanded in the yeare 1604 by *Philip* the third King of Spaine (of 30 vpon the 100) of French, Engliſh, and Flanders Commodities, was ſoone aboliſhed, when the French King *Henry* the fourth did the like; for one extreame enforcing another is of ſmall continuance.

Chap. xxxvij.

Of Merchants Wagers, Stipulations, or Conuentions.

For as much as diuers Ciuilians haue intreated of this argument of Merchants Wagers, and made ſome Treatiſes *de Sponſionibus*, where vnder matter of Aſſurances is compriſed: it may not bee thought impertinent to handle this ſubject briefly and diuidedly from Merchants Aſſurances, already declared in his proper place.

The ſaid Ciuilians do diſtinguiſh theſe Wagers or *Sponſiones* to be threefold.

1 Where a Wager is laied with a pawne in the hands of a third perſon.

2 Where (by way of Stipulation) ſomething is giuen vpon a Wager.

3 Where a thing deliuered or by a couenant made with another perſon, the ſame is promiſed to be reſtored, and double, treble, and ten times the value thereof vnto the partie withwhom the Wager is made, if the matter in queſtion or doubt do not take effect; whereof many examples may be giuen and declared, namely,

Examples of Wagers.

The Great Wager betweene *Cleopatra* Queene of Ægypt, and *Marc. Anthonie*, for the great expences of a ſupper, by diſſoluing the Paragon Pearle, and drinking the ſame, as *Pliny* reporteth, when *Lucius Plancus* was made judge of that Wager, and pronounced that *Anthonie* had loſt.

That of *Cecinna* whereof *Cicero* maketh mention for the recouery of his gronnds taken from him in hoſtile manner by *Eubuſius* and reſtored againe.

That ſuch a Cardinall ſhall be elected to be Pope, That ſuch a King is dead and ſuch a towne taken: in all which, the Wager is made by Pawne, Stipulation, or Conuention, as aforeſaid; and hereof are innumerable examples.

Hereupon they conclude, that all Wagers laid muſt be for honeſt cauſes, and as it were ſtriuing for vertuous actions; and that theſe by the Law are to be maintained in the performance of the Wager, wherein Cuſtome is the beſt interpreter, euen in the point of Law, which is conſiderable in all caſes by the long obſeruation of them.

Cuſtome the beſt interpreter of Law.

A Wager being laid, That the Pope of Rome, or the Emperour, or any other perſonage ſhall die within the yeare, is good in Law: but to lay Wagers, as deſirous or wiſhing ſome vnexpected euil or aduerſe fortune vnto an honeſt may, or although it were to an enemy, is neither ciuile nor naturall in the vnderſtanding of well diſpoſed men.

Lawfull Wagers and vnlawfull.

A Wager laid vpon the death of a priuate perſon, is diſallowed; but not for the contracting of any ſuppoſed or expected marriage, which is lawfull.

All

All Wagers laied in lawfull games are allowable; but in prohibited games cannot be recouered by the Ciuile Law. So Wagers made by lookers on vpon other mens games are diſallowed, which is the cauſe that Stipulations are made, putting the pawne or money downe, which is called, to ſtake downe: and if it be vpon an vnlawfull game, then the lookers on are ſubject to puniſhment, as well as the gameſters.

A Wager laid who ſhall eate or drinke moſt is vnlawfull.

If a Gameſter or a Merchant playing, receiue twentie and promiſe to giue fiftie for it the next day playing, the Conuention is good.

A Merchant laying a Wager to giue tenne for one if ſuch a ſhip arriue within a limited time, within ſuch a Port or Hauen, is good in Law.

A Wager is laid vpon the arriuall of a ſhip in the port of Lixborne, and a certaine ſum of money promiſed thereupon: it falleth out, that the ſaid Ship is a Galeon; ſo deniall is made to pay the money. The Law did determine the money ſhould be paied, becauſe the word Ship is a generall name, although it be called by diuers names, As a Notarie is called a Tabellion, Scriuenor, or a publike ſeruant.

A Wager vpon a ſonne or a daughter to be borne, is good in Law; and if it be a Hermophrodite of both ſexes, then judgement is giuen according as the naturall inclination ſhall be found to be more maſculine or feminine.

Ambiguitie, or Equiuocation in Wagers.

And in all Wagers wherein ambiguitie or equiuocation doth happen, there muſt be a naturall moderation in the conſtruction of them; for an euill cuſtome loſeth her name, and becommeth vſurpation, as is before declared.

If any man by the inducement or fraud of a third perſon lay a Wager that ſuch a woman ſhall be deliuered of a ſonne, when ſhe was already deliuered, the Wager is not to be allowed; and if the Midwiues are pertakers herein, they are to be puniſhed and incurre *Crimen Stellionatus*.

If one lay a Wager to run with another, and afterwards doth refuſe to run, he may be compelled thereunto, or the Stake is loſt; for he committeth no deceit, which preuenteth a fraud. The captation or aduantage taken vpon words ought therefore to be excluded, and wagers are to be made in plaine termes, and to be conſtrued accordingly; *Fallere fallentem, non eſt fraus.*

Wagers betweene Merchants are many times done more for ſport and recreation than for gaine: for ouer great Wagers are againſt good manners, and may concerne a Merchant much in reputation and credit, more than the playing for great ſummes of money, which many times Merchants doe vſe, with the obſeruation of a conuenient time, and as the Prouerbe is, With good fortune, otherwiſe the end of it is dangerous; for as nature produced all things in due time, ſo is moderation required in all actions.

Chap. xxxviij.

Of Merchants Markes ſet vpon Commodities.

THE marking of Merchants Commodities, either packt vp in Bundles, Truſſes, Caſes, Coffers or Packes, is of great importance; for not onely by the Cuſtome of Merchants, but alſo by the Ciuile Law, the propertie of the goods and Merchandiſes is adiudged to him, by whoſe marke they are marked or ſealed. It is dangerous therefore to vſe another mans marke, as many times Merchants doe in time of war, when they lend their names and markes for the preſeruation of their goods, betweene two or more contending Princes, both by Sea and Land.

Euery

Merchants markes to be ſet vpon their bookes of accounts.

Euery Merchant is to ſet downe his marke vpon his Bookes of account, wherewith his commodities are marked. And in like manner, If a Company or Societie of Merchants doe agree vpon a marke, the ſame is to be ſet vpon the Bookes of that Societie: and if that Company do diſſolue, the ſaid marke may remaine with the moſt ancient of that partnerſhip, by the cuſtome of Merchants; whereof the Ciuile Law and the Law of Admiraltie taketh notice in their judicature, and eſpecially the Merchants Courts of Conſulate. And if the marke of one of the partenerſhip be vſed for all, the ſame vpon diſſolution of that partenerſhip is to returne to the ſaid partie; and no man is to vſe another Merchants marke, without eſpeciall leaue had and obtained of the partie whoſe marke it is. For euen as Merchants doe faile betweene the two dangerous rockes of Scylla and Charibdis in their courſe of trafficke, when Princes are at variance: So is the danger to vſe another Merchants marke without leaue; becauſe the partie owner of the ſaid marke is to defend the ſaid goods, if they be taken, or to countenance the perſuers of the ſute in Law for them, as farre as they in reaſon may require, otherwiſe the ſaid goods may be loſt as ſoone as taken. For as Ships are knowne by their Flags, and ſo taken to be at the Seas; ſo are Merchants goods marked with another mans marke, to be that mans goods, although it were not, and will be ſo adjudged in the Courts of any Admirall of the Seas; experience hath proued the ſame by two notable examples, worthy the obſeruation.

Danger to vſe another mans marke, &c.

In the yeare 1586 or thereabouts, *Robert* Lord Dudley Earle of Leiceſter was an Aduenturer for Barbary, where he ſent ſome commodities by way of commerce, vnto a certaine Factor (that did deale for diuers other Merchants) there to be ſold for his account, and to make returne vnto him of the prouenue thereof in Sugar and other commodities. The Factor hauing ſold ſome of the ſaid goods (conſidering the number of men of warre, which were then at the Seas, and the greatneſſe of the ſaid Earle) thought good, that all the Cheſts of Sugar and other commodities which hee ſent home to all his Maſters in a certaine ſhip, ſhould be marked with the Earle of Leiceſters marke, albeit the leaſt part did appertaine vnto him; the rather for that the moſt part of his goods were yet vnſold in Barbarie. The ſhip arriuing within the Riuer of Thames, no ſooner were the Letters deliuered, but the Earle laid claime to all the ſaid goods, pretending the ſame to be his becauſe of his marke: hereupon the Ciuilians were of his ſide for the point of Law, and the Merchants were compelled to make their beſt compoſitions with him, as they could agree; and the Earle loſt nothing thereby how ſoeuer they ſped.

The Beare and Ragged ſtaffe.

In the yeare 1597 one *Iohn de Baſſadonna*, the ſonne of one of the Magnificoes of Venice, the reſident in London, had a certaine ſhip which was fraighted for Lixborne, and ſo to go for Venice, according as the maſter thereof was bound by a Charterpartie of fraightment, and in both places to take in all ſuch commodities and merchandiſes as the Merchant ſhould lade or cauſe the ſaid ſhip to be laden withall, and to be diſcharged at Venice with the vſuall conditions of ſea-lawes. This ſhip bearing the Venetian Flag of the Lyon of S. Mark, was well receiued & welcome at Lixborn, and euery man was willing to lade therin his goods for Venice: neuertheleſſe ſome Portugals conſidering the dangerous times of war, did borrow the name of Italians and their marks alſo, and cauſed their goods to be laden as appertaining to the ſaid Italians, and made the Bills of lading and their Letters accordingly; other Portugals were not ſo prouident, but did lade their goods in their owne names: whereupon the Maſter of the ſhip (being ſure of the one, and ſuſpicious of the other) reſolued to come (with all the ſaid goods) firſt for England, to take aduice whether this were a lawfull prize or not, and being arriued at Plimmoth, ſent vp to know the Lords of the Councel their pleaſure. So the matter came in queſtion with the ſaid *Baſſadonna*, and was referred to the Iudge of the Admiralty, and diuers Ciuilians, where the matter of the Flag was much reſpected in regard of the Seigniorie of Venice, as matter of State; and the principal goods laden and marked in the name of Italians, were adjudged cleere by the Law. But the other goods laden and marked with their owne markes, were taken for good prize. So that it behoueth all Merchants to be carefull what marke they vſe, &c.

The Venetian Flag.

CHAP.

CHAP. XXXIX.

Of the Buying and Selling of Commodities by Brokers and by the Candle.

IT is an old Prouerbe, and very true, that betweene *What will you buy? and what will you ſell?* there is twentie in the hundreth differing in the price: which is the cauſe that all the nations do more effect to ſel their commodities with reputation by meanes of Brokers, than we doe; for that which ſeemes to be gotten thereby, is more than double loſt another way. Beſides, that by that courſe many differences are preuented, which might ariſe betweene man and man, in their Bergaines or Verball contracts: for the teſtimony of a ſworne Broker and his booke together, is ſufficient to end the ſame. And moreouer it is many times a cauſe that Factors and Seruants deale more faithfully for their Maſters in buying and ſelling of all commodities, or in monies by exchange, knowing their euidence is extant againſt them. Therefore no Broker ſhould be admitted vnleſſe he were ſworne, and vpon *Affidauit* or Certificate made by ſome principall Merchants, of his ſufficiencie and behauiour, and to put ſureties for his true and good demeanour amongſt Merchants, according to the cuſtome of London. For albeit that the common ſaying is, *That a craftie Merchant needeth no Broker*: yet it may much concerne the Common-wealth, when too much hunting after forrain commodities may increaſe the price of them, and offering our home commodities to ſale, may be an occaſion of vnderſelling them to the generall loſſe comparatiuely conſidered, wherein (I thinke) the Billes of Entries made ſo generally common, by the copies deliuered to ſhopkeepers and others, are to be regarded. For no ſooner are the goods entred in the Cuſtome-bookes, but the copie of it is deliuered abroad for euery man to runne vpon them.

Bills of Entries in the Cuſtome-houſe.

The Venetians therefore haue an Office, called *Meſſacaria*, conſiſting onely of Brokers, which deale betweene man and man aduiſedly; and in Spaine they are of ſuch eſtimation, that they ride on horſe-backe vpon their foot-clothes, and hauing the Inuoyces of Merchants goods, they will deale for great matters at a time, againſt the lading of the Fleet from Noua Eſpagna and the Iſlands of the Weſt-Indies, to be paied partly ready money, and partly at the returne of the ſaid Fleet; and then afterwards let you vnderſtand their Merchant: and many times they are of that meanes and credit, that for a ſmall matter they will be bound to make the debts good, if the Merchant ſhould faile, whereupon (as the Cuſtome is to haue one vpon the hundreth) they will condition but double Brocage, or leſſe. Our Brokers of London take but two pence vpon the pound (which is leſſe than one p *cent.*) for the ſale of Commodities, and to hinder one another they will take leſſe; which amongſt Merchants beyond the Seas, is taken to be a diſorder, for they are inclined to make the Brokers good gainers. The like is done in the Faires of Frankford, where many Brokers do reſort twice in the yeare, and they keepe account of all the bargaines that they make betweene the forraine Merchants, that come thither to make their paiments moſt by reſcounter and aſſignation, after the manner of Bankers: For the Commodities ſold in one Mart, are commonly payable the next Mart, being twentie fiue and ſix moneths time one after another; wherein theſe Brokers are very neceſſary members and inſtruments alſo to transferre Merchants Bills obligatory for other commodities, or to make payments thereby. The duties of the Alcaualla in Spaine, are taken vpon that conſideration.

The

Selling by the Candle.

The ſelling of Commodities by the Candle, is an ancient Cuſtome beyond the Seas, onely for ſuch goods, rents vpon houſes or lands, or the houſes alſo which require a ſuddaine ſale, after they haue beene one yeare and one day denounced by publication that they are to be ſold; to the end that if any man will lay any claime thereunto, they may come in within that time. And theſe ſales are made vpon Fridaies in accuſtomed places by publike authoritie, for the better warrant of a Buyer, the manner of it is thus: There is a waxen Candle or a piece of it, ſet vp lighted in ſome place eaſie to be ſeene, and the ſtanders by are required to make an offer for ſuch goods, or ſuch a houſe; which being made, another will offer more, as they do in out-cryes, hauing ſtill a regard to the burning Candle: declaration is made how the payment muſt be, ſo that he who maketh the laſt offer, (vpon the going out of the Candle) hath the bargaine. If it do fall out, that there is confuſion of voyces of the offers made, whereby it cannot be diſcerned who made the laſt offer, and the ſtanders by do differ in their judgement of it, then the Candle is ſet vp againe by thoſe that are in authoritie, and in like manner it is determined accordingly.

The Merchants of the Eaſt-India company do imitate the ſame, and after publike notice giuen in writing vpon the Royall Exchange in London, That ſuch a day, ſuch and ſuch commodities will be ſold at ſuch a place; Merchants and others (knowing the great parcels of Pepper, Indico, and other commodities of Silkes, Calicoes, and ſuch like) will joyne together to buy the ſame in ſeuerall companies, and ſo buy the ſame by the Candle, as aforeſaid, although it were a parcell of one hundreth thouſand pounds. The time for the payment is foure times ſix moneths, which is fifteene Moneths in one payment, according to which (if you will pay all of it or part of it in readie money by way of Anticipation) you ſhall haue vſe allowed you accordingly, after the rate of ten vpon the hundreth. But their good orders require a more larger declaration.

Chap. XL.

Of buying of Commodities by Condition, termed Capiticus, *and of ſelling things vpon Caſualties.*

THE buying of Commodities vpon Condition is termed by the Ciuilians *Capiticus, à capiendo*, either to refuſe or take vpon a penaltie; or ſometimes vpon a caſuall Condition. Which bargaines are much vſed in the Low-countries, as alſo in France, eſpecially at Roan in Calice, where my ſelfe haue made money of Corne and Salt: and this bargaining is moſt proper for ſuch and the like commodities, the price whereof doth quickly riſe or fall, and are alſo commodious when a mans money is not ſo ready, to buy much, and to make a great employment with little money, which happeneth vpon ſome ſoden aduice many times vnexpected, whereupon men are very hot either to buy or ſell: which is much vſed in Flanders in buying of Herrings before they are catched, by *(ſtelle gelt)* as they call it, that is, by a ſumme of money agreed vpon to be paied, if the partie doe repent himſelfe of the bargaine, wherein he taketh a time of one moneth or two to be aduiſed according to the occaſions and probabilities of the ſucceſſe.

To diſburſe or offer fiftie pounds vpon fiftie Laſt of Herrings with ſix weekes reſpit vpon the condition after twentie pound were equall nineteene and twentie one, and without reſpit of time preſently to ſay to be deliuered at three months, the 50 Laſt

at

at twenty pound amounteth to 1000 ℔, you aduance the Intereſt, Ware-houſe hire, charges, lackage, beſides the commoditie that you haue bought with the mony a bargain of 50 Laſt, when it would pay but 2 ½ Laſt, vpon condition to take or leaue.

One hundred pounds deliuered out to pay the firſt yere one pound, the ſecond yere two pounds, encreaſing euery yeare one pound, amounteth in 15 yeres to 128 pounds; in twenty yeares 210 ℔, to 20 adde one, multiply with ½ of 1 to 20, is 10, and ſo of all other augmenting, be it of 1, 2, 6, 8, &c.

The Conditions are diuers: the certaintie of the mony which you do aduenture to loſſe, being well conſidered of, may turne you to gaine, eſpecially in places bordering vpon the ſeas or riuers, to ſerue the In-land people, as Calais, Dunkerk, for Flanders, Henault, Arthois, and other Prouinces. The like might be practiſed in many coaſt townes of England; but ſtrangers are more adicted to make caſuall bargains for buying of commodities.

For ſelling of commodities vpon caſualties, therein are we more frequent, eſpecially of things not vendible at all times, to ſell them payable vpon the returne of ſuch a voyage from Venice, Turky, or other places, or vpon the deceaſe of ſuch a man or woman, or at a mariage day, or the firſt, ſecond, or third childe, either male or female. In all which ſellings mony and wares may be ioyned together. But in deliuering mony with wares at intereſt, the Contract is vſurious by the Law.

CHAP. XLJ.

Of diuiding of Commodities by Lots.

ALl Extremes being vicious, hath giuen me cauſe to write this exorbitant Chapter concerning the diuiſion by Lots; becauſe there are men in this age ſo preciſe (by ſome called Puritans) that they can be wel contented to buy a commodity in company with their neighbours, when their owne meanes and credit cannot compaſſe the ſame; but afterwards to diuide thoſe goods (by the Lot) between them, they are very ſcrupilous, & hold it a prophane action and they are (as they ſay) bound vnto it of neceſſitie, or elſe to take that which their partners do giue vnto them, and ſo let them caſt the Lot amongſt them, and what remaineth vpon equall diuiſion they will rather accept of, than that any Lot ſhould be caſt for them: yet they will more fauor the Lot, than the caſting of the Dice, or the meaſuring by ſtrawes. To theſe weake ſtomacks thus troubled with a *Nauſea*, I would not miniſter any Cordials, Electuaries, or Potions, to rid them of that diſtemperate humor; but a plaine vomit is fitteſt, the Moone being in Aries or Capricorne, which muſt be thus prepared.

As in Gods Church there neuer wanted true Religion reuealed from God himſelf, ſo amongſt heathen and all nations there neuer wanted means to acknowledge a ſoueraign power; which cauſed them to deuiſe a certain ſhadow of Religion, by worſhipping their imaginarie gods with a kinde of diuine ſeruice; the contemplation and vſe whereof they did eſteem to be the higheſt degree of felicitie, or *Summum bonum*, inſomuch that euen in their blindneſſe they did attribute the ſucceſſe of all things to proceed from aboue; vſing (for to attain to the knowledge of the Divine pleaſure) diuers means of Divinations, Imprecations, Oracles, and caſting of Lots, becauſe they wanted the illumination of the moſt glorious and tranſparent Sun of the word of God, by which we are taught to obey the known will of God, and to reuerence with admiration his ſecret will not declared vnto vs.

Divinations and Imprecations beeing not accompanied with visible and sencible apparitions, caused all Oracles to be in greater veneration: as that of Dodona, where *Iupiter* answered, striking the Caldrons with a siluer wand: That of *Iupiter Hammon* in the confines of Egypt: That of Delphos, where an old woman answered in Greeke verse: that of Latona, and that of Motenzuma in America, and others. All which ceased, when and where the Sun beams of the word of God did disperse the misty clouds of darkenesse, and then all was abrogated, and only the casting and drawing of lots did remaine as a custome of great antiquitie among all nations, recorded not only by prophane Historiographers, but also by divine Prophets and Evangelists. To which purpose we may obserue two especiall examples in the holy Scripture.

Ionas 1.7. The first is of *Ionas* the Prophet, who flying from the presence of God in a ship sailing for Tarsis, was exposed to a very great tempest at the seas, indangering the ship and mariners to be cast away at euery moment; when it pleased God to manifest by the Lot drawn or cast by the Master and Mariners, that *Ionas* was the cause thereof.

Luke 23.24. *Iohn* 19 24. *Psal.* 22.19. The second is of the lot cast by the soldiers vpon the garment or coat of our Sauior Christ, according to the prophecie of *Dauid*; allotting the same to some particular person, according to his good will and pleasure.

But lest these men should obiect, that the aforesaid examples are actions of the heathens, and but mentioned in the holy Scripture; we pray them to remember, That the Children of Israel had no other meanes propounded vnto them, to obtaine victorie a-

Ioshua 7.14. gainst their enemies, by remooving the offence of the interdict or forbidden goods, but the vse of casting the lot, which fell vpon *Achan*, who had hid some of the forbidden goods, which were to bee burned according to the commandement of God, who was pleased that *Ioshua* should finde out the man by lot, and not by reuelation.

Acts 1.26. The Apostles hauing appointed *Barsabas* and *Matthias*, and praied the Lord to shew them whether of the two should succeed in the ministerie of the Apostleship, from which *Iudas* by transgression fell; gaue forth their lots, as the Scripture saith, and the lot fell vpon *Matthias*.

Iosh. 14.2. What shall we say of the diuision and partition of lands and goods, when the Land of Canaan by Lot was diuided amongst the Israelites? And the like vse remains vntill

Prouerb. 16 33. & 1.14. & 18. 18 this day among diuers nations. The saying of the Wise man being true, that the lot is cast, but the successe thereof is according to the prouidence of God: which caused him to speake so often of Lots in his Prouerbs.

Plutarch. The Grecians did make election of their Officers by the drawing of Lots, which they called Ostracisme; according to which the Venetians in their rare gouernment of Aristocracie, do at this day vse the like, by their Ballotting; and so do the Russians in their gouernment of Monarchie. So to conclude, All nations do continue the vse of Drawing or Casting of Lots in all occasions. Wherefore I hope these precise men will be hereafter more resolute to accept of their part of Indico in barrells, Sugar in chests, and Pepper in bags, marked & numbred according to the goodnesse, by the Lot drawn or cast, and expect Gods blessings, according to the saying of the Wise man, as aforesaid.

Forasmuch as in Italy and Germany diuers commodities and manufactures are dispersed, distributed, and in a maner vented by the means of Loteries, which are continually extant in publique markets and other places; I cannot omit to speake hereof, as a matter appertaining to merchants.

There are two manner of Loteries, namely Standing Loteries, and Running Loteries; The first limited for a continuance of time to be drawne at the end thereof, without intermission either by day or night. The later to be drawne dayly, and at all conuenient houres, when the parties will put in their money, and haue the Lot drawne instantly. To which end in many places of Germany there are publique Shoppes and Stals, where diuers sorts of manufactures are exposed to be sold, and to euery Lot there is a Prize appointed to answer the said Lot; whereby a man hath alwaies something for his mony, and many times a prize of good value. Being therein like vnto the tree of Fortune, which is painted with blinde Fortune sitting in the middle part

of

of the Tree, and all manner of men,women,and childeren, ſtanding or lying ouer the ſaid tree, do receiue ſomewhat falling from it ; to the one a purſe full of mony,to the other an halter ; to the one a golden chain, and to the other a cutting knife: and to be briefe, to ſome good,and to ſome other euill things,as is ſeen in all worldly affaires. The Tree of Fortune.

Standing Loteries are ſtately and magnificent, conſiſting of Siluer,Plate,Chaines of gold, Iewels,Cabinets,Hangings,Pictures, and other pretious and curious things fit for honorable perſons and others of qualitie. Albeit all men are admitted to aduenture therein ; which is the cauſe the Lots are commonly made of twelue pence or two ſhillings, the number whereof maketh a compleat Lotterie, fit to be drawn when the ſame is full,which muſt be done by gathering in the mony in continuance of a certaine time limited,as aforeſaid.

The Running Loteries are of Plate,Chaines of gold,and other things, whereof the price is in a manner certaine,as alſo of monies: and for that they are inſtantly drawne, and men willing to know their preſent fortune (as they terme it) euery one is inclined that the mony which they draw they will venture againe in hope of a better, whereby their Loteries are ſooner filled. Both theſe ſorts of Loteries haue a kinde of Table, wherein the Prizes are declared, which are valued by publique authoritie to preuent deceit and fraud, which in great ſtanding Loteries is more likely to be practiſed.

There is as many bills made of the Aduenturers,by their names or Poeſies,as there are Blanks and Prizes to be drawne, anſwerable to the tickets deliuered for the mony to euery man that is an Aduenturer in the ſaid Loteries: and all theſe bills of Names being examined by the Magiſtrats or Commiſſioners, with the books of Collection for the monies, are put into one great cloſe basket, with a hole in the middle thereof for a man or a boy to put in his arme to draw them at the appointed time. Likewiſe all the Blankes and Prizes, with the like ſuruey of ſworne men, are put into the like cloſe Basket, after examination of the Prizes regiſtred in the ſaid Table; which being all of one faſhion and bigneſſe, are publiquely vpon a ſtage mixt, toſſed and tumbled in certaine ſheets of Canvas, before they be put in the ſaid basket ; and betweene the ſaid two baskets ſitteth the Drawer, putting both his armes at one inſtant ſeuerally in euery Basket, deliuering the Bills of the names or poeſies with the right hand, and the Blanks and Prizes with the left hand, to certain ſworne men, which doe read the Contents thereof openly to all the ſtanders by ; which Drawers or perſons do change for certaine houres (for they continue both night and day vntill all be drawne out, without ſtirring of the baskets.) Other ſome do herein obſerue certaine houres daily, and vpon euery diſcontinuance they ſeale the ſaid baskets vnder two or three ſeales, from time to time, proclaiming all Prizes by the ſound of the Trumpet, and ſtringing ſome blew papers in the files made of the Blankes and names: And the Prizes euery day drawn are the next day to be ſeen in print, with the aſſiſtance of officers appointed to ſee good Orders obſerued, in keeping the peace, vpon all occaſions of fallings out, which might happen amongſt the vnruly multitude of mechanicall people. The Prizes are many, to auoid diſcontent, which the reading of many names and anſweres in blank prouoketh. And commonly they do not exceed in number aboue thirty or forty for one; and ſo the leaſt prize being but ten ſhillings, is proportionably three or foure to one in value or in readie money. All the Prizes haue a priuy mark or number known only to ſome few perſons, to preuent the counterfeiting of euill diſpoſed perſons or officers, which are hereby eaſily diſcouered. For all the cautions and preuentions of diſhoneſt and crafty dealings are more than neceſſarie in Loteries, the rather of the common opinion of all men, which hold it impoſſible for Loteries to be without fraud. And here I may not conceale a great fraud committed in ſtanding Lotteries, when not only the Prizes are ouervalued or changed, but alſo when the parties of the Loteries will ſet vp the ſame to draw men to aduenture, and take that to their aduantage, filling vp the Loteries themſelues, and enioying the moſt Prizes by the multitude of the Lots put in by them: wherein they are like to the crafty common Out-crier for goods ſold publikly in out-cries, by appropriating to himſelf & his partners (who are only known to him) all ſuch good bargaines and penny-worths as hee hath Cauеat in Loteries.

Fraud of goods sold by out cries.

with them contriued to bring about, or as he hath vndertaken to put to sale for other men, vnder the colour of Out-cries, selling them if hee please, or keeping and retyring the goods into his owne hands, when hee cannot aduance them according to his will, wherein other men are ignorant. And this being a vendition, may not be omitted to be noted in this booke, concerning all manner of buyings and sellings: the rather, for that the aduenturer in Lotaries incurreth lesse danger than Merchants do in the course of trade, especially in Assurances, when they doe aduenture one hundred pounds for three or foure pounds, from London to Barbary; whereas for one Lot of 12 pence, hee hath a possibilitie to haue allotted to him two or three hundred pounds.

The right vse of Lotaries.

Lotaries are commendable, if they be appropriated to their right vses and good intentions, *Finis coronat opus*: for this maketh them to be of continuance, pleasing and profitable, when the benefit thereof doth redound to pious works, as for the erecting of Schooles and Vniuersities, maintenance of the poore, and of Widowes and Orphans, reparation of Churches, high-wayes, and ditches, for the plantation of Colonies of people in other countries, and building of Townes and castles for their maintenance; as also to erect Pawne houses to supply the necessitie of the Mechanicall poore, suppressing intollerable vsurie; whereof we shall intreat in the second part of this Booke, concerning Monies.

The Etymologie of the word Lotarie is deriued from the word Lot: And albeit all Lotaries are things casuall in respect of man to whom the Lot falleth; yet in regard of the prouidence of God they are certaine (in effect) by the said Divine disposing of the Lot. Insomuch, that howsoeuer the words, Fortune, Chance, Fate, Destinie, and Casualtie, are borrowed from the Heathens; it cannot be denied but that (respecting the effects and operations of God towards man) they are proper distinctions of Gods divine prouidence. And hence ariseth the prouerbe, *Nemo sua sorte contentus viuit.*

Chap. xliij.

Of Associations, Monopolies, Ingrossings, and Forestallings.

Societie of the merchants Aduenturers.

ASsociations are twofold, the one is done by publique authority of princes or States, vpon Grants made by Letters patents, which are properly called Societies; as the Company of Merchants Aduenturers, which are of 400 yeares standing or thereabouts, reckoning from the yeare 1248, when the said Merchants obtained priuiledges of *Iohn* Duke of Brabant, and were called the Brotherhood of S. *Thomas Becket* of Canturbury, which were confirmed by King *Edward* the third, *Henry* the fourth, *Henry* the fifth, *Edward* the fourth, *Henry* the sixt, *Richard* the third, and King *Henry* the seuenth, who gaue them the name of Merchants Aduenturers. After him also confirmed by King *Henry* the eight, *Edward* the sixth, Queen *Mary*, Queene *Elizabeth*, and lastly by our soueraign Lord King *Iames*; not without many enemies and oppositions, and most especially of late, taxing them to be Monopolizers, and vnprofitable to the commonwealth, being that all our Clothes were not dressed and died in England. Whereupon their Patent was for a time suspended, but afterwards confirmed againe vnto them by his Majesties ample Proclamation. As this Society is of antient estimation, so is their gouernment very commendable, and preserueth the amitie and intercourse betweene the Realme and other neighbour Princes and States, venting the best commodities of the Kingdome; yet so, that euery man selleth freely at his pleasure, without any combination

bination or limitation, to the great honour and ſeruice of the State, wherein they may daily ſee and obſerue more and more, as is heretofore declared.

Societies of East Indies, Virginia, &c.

The Eaſt India Merchants are alſo a Societie, but their Aduentures runne all into maine Stockes, and is gouerned and carried all ioyntly vpon benefit or loſſe. This Company began in the yeare 1599. So the Merchants of Turky are a Societie. Alſo the Virginia and Bermuda Merchants, and diuers others, are ſocieties incorporated by his Majeſties Letters patents as aforeſaid.

Partnerſhip by Contract.

The other Aſſotiation is done by and betweene Merchants of their owne authoritie, ioyning themſelues together for to deale and trade either for yeares or voyages; And this is properly called Partnerſhip, where one man doth aduenture a thouſand pounds, another fiue hundred pounds, another three hundred pounds, and another four hundred pounds, more or leſſe as they agree amongſt themſelues to make a ſtock, euery man to haue his profit, or to beare loſſes and aduenture according to their ſeuerall ſtocks in one or many voyages, for one or more yeares, beſides the monies taken vp at vſe to trade withall, proportionably according to the rates of their ſtocks by parts and portions, to be diuided into ſo many parts as they agree: Wherein the conditions are diuers, which muſt be obſerued truly, and the accounts accordingly; otherwiſe alwil run into a labyrinth and confuſion. And by the Common Law, one partner cannot proceed againſt another, and in Chancerie the Suits may be prolonged for the life of a man, vnleſſe the Law-Merchant be better vnderſtood, and the Auditors office be inabled to end theſe buſineſſes with breuitie and expedition.

Partnerſhip by imployment.

There is another branch of this manner of partnerſhip, which commeth to paſſe, when Factors beyond the ſeas, dealing for diuers Merchants, will ſomtimes make imployment of ſeuerall mens mony in one kinde of commoditie to be diuided amongſt them. Here one may become a partner vnawares and vnknowne; as of late I know the like did happen in a great bargain of Tabacco, whereupon all the Partners, beeing ſeuen in number, are fallen out, and diuers of them are in law. This courſe (although vſed) is very dangerous, eſpecially when they vſe many Factors. One Merchant ſendeth commodities to his Factor to be ſould in Spaine, and giueth order that by that meanes he ſhal prouide mony for his part of the imployment of Tabacco to be made. Another Merchant he ſendeth a Letter of Credit of a friend of his, that ſo much mony ſhall be taken vp by exchange for Antuerpe or London, as ſhall be needfull for his part. Another merchant he cauſeth ſo much mony to be made ouer to his Factor, by exchange from Antuerp, as will furniſh for his part. Two other Merchants dwelling in Spaine do furniſh their parts there themſelues. And amongſt them all they admit in Spain one Factor dwelling there to buy the Tabacco, and he hath a part with them, but findes the means to diſburſe no mony for his part, becauſe he buyeth the ſaid parcell of Tabacco, amounting to ſome twelue thouſand ducats, and conditioned to pay a good part of it at ſix or more moneths. And the ſeuenth merchant he prouides not any mony, and neuertheleſſe will haue his part, becauſe he gaue order to his Factor to take it vp by exchange for London vpon him, promiſing that he would pay the ſame here. Hereupon the bargain and imployment of Tabacco is made, the goods receiued and ſent ouer to London, where it is diuidedly deliuered to ſome of the ſaid Partners to be ſold, with one and others priuity, for the general account of them all, to be made vp amongſt them to cleare the ſaid account, and euery man to haue his part of the benefit and profit, and likewiſe to beare ſuch loſſes as may decreaſe their profit, according to equitie and conſcience. *Interim* it happened, that the Factor who bought the ſaid Tabacco died inſolvent, who did not onely leaue his owne part vnpaid, but a farre greater ſumme, which the other two partners were fain to pay, being bound for it, in all amounting to 1300 ℔ ſterling. Now the queſtion is, How this loſſe ſhall be borne amongſt them? The firſt Merchant he ſaith, I did ſend commodities, and by the prouenue thereof my part was payd by him that died, and that dependeth vpon accounts to be cleared between him and the party deceaſed. The ſecond Merchant hee ſaith, My part was payd in ready mony in Spain, taken vp by a letter of credit, and I am to beare no part of the loſſe: and ſo ſaith the third merchant that made ouer his money by exchange

change from Antuerp: the partners dwelling in Spaine, they ſay, That they haue not only paid their parts of the Tabacco, but alſo the 1300 ℔ which were owing to the Merchant that ſold the Tabacco; and therefore they demaund much money due vnto them, and that reſteth alſo vpon account betweene the party deceaſed, and them and others. The party deceaſed (being decayed) hath few to vndertake the adminiſtration of the eſtate: and the ſeuenth Merchant is contented to beare his part of the loſſe, ſo he may come in for his part of the gaine, and ſaith, That if the mony had been taken vpon him by exchange, he would haue payd the ſame. But howſoeuer, hee is able to prooue that hee had prouiſion ſufficient to pay his part, in the hands of ſome of the partners there; and foraſmuch as he hath born the Aduenture of the ſeas of his part of the Tabacco, he claimeth his part of the gaine: for if all had been caſt away at the ſeas, it is certaine the reſt of the partners would haue made him to beare the loſſe of his part. And thus they are in a Dilemma, and hauing ſome of them bonds, others Contracts, and ſome but Accounts and Papers, they know not how to make an end; and ſuch as haue more than their owne are remiſſe enough to procure an end. I haue thought good to ſet downe this caſe, becauſe men of vnderſtanding may iudge how it is poſſible that the Common Law (by the ſtrict and peremptorie proceeding of it) can determine the ſame without the Law-Merchant, not knowing the cuſtom of merchants, being alſo impoſſible to direct a Iury of twelue men in the premiſſes, wherein I am now an Arbitrator my ſelfe.

¶ *Deſcription of Monopolies.*

MOnopolies are ſomewhat diſpleaſing, becauſe the propertie of them is commonly to ingroſſe things to an ill end, increaſing the price thereof diſorderly, drawing a generall benefit to a particular, diuerting the courſe of traffique. But foraſmuch as they are vſed now adaies, it will be conuenient to diſtinguiſh them by *Reaſonable*, *Vnreaſonable*, and *Indifferent*.

Reaſonable, of ſuch things and trifles as are for pleaſure, as Starch, Cards, lute ſtrings, Tabacco, and ſuch like.

Vnreaſonable, as of Fleſh, Fiſh, Butter, Cheeſe, or needfull things for the ſuſtenance of man, without which he can hardly liue ciuilly.

Indifferent, as of Velvets, Silkes, Sugar, Spices, and other delicacies and dainties or curioſities, indifferent to be vſed or not.

Engroſſing. All theſe are done by publique authority of Princes and States, by Letters patents granted for term of yeares: but ingroſſing is done by priuat perſons of their owne authoritie, which is commendable, to keepe commodities in reputation to maintaine a Trade thereby; as when men of means do ingroſſe and buy vp a commoditie, and for reaſonable gaine they ſell the ſame again to ſhop-keepers and retailers. This is much vſed amongſt Merchants of all nations, otherwiſe when aboundance of a commodity doth ſo much abate the price of it, that Merchants do become loſers and diſcouraged, then the traffique and trade is thereby ouerthrowne, to the generall hurt of the Commonwealth: in which reſpect it is better to pay ſomewhat more for Commodities, than to haue them altogether ouer-cheape, eſpecially for commodities ſeruing for the backe, and not for the belly, which diuers times by foreſtallers become deare. Againſt which kinde of people (Regrators and others) there are very good lawes made, which the Magiſtrats are to ſee obſerued: and in France and Scotland the Admiralls of the ſeas haue an abſolute authoritie to looke vnto this inconuenience.

Foreſtalling or Foreſtallers, called by the Civilians, *Dardanarij*.

Commendable Engroſſing. The gouernment of Noremborough in Germany is much to be commended, not only for the prouident care to preuent foreſtallers, but alſo for the ingroſſing or incorporating of all manufactures into their owne hands, to ſet the poore people continually on worke, themſelues cauſing the ſaid manufactures to be ſold at ſuch reaſonable rates, as none can make or prouide better cheape than they do; whereof aboundance is bought, and ſent for the Weſt Indies and other places, the mechanicall people are very much cheriſhed by them, and all Artiſts are welcome vnto them, which maketh

their

their city populous. The Hollanders do imitate them, and ſome mony of the Banke at Amſterdam is imployed therein; for the Prouerbe is to be commended, *Sceptra fauent artes.*

The Ciuilians haue made the Latine word *Monopolium* borrowed from the Greeke, to be leſſe vnderſtood, becauſe of their many definitions thereof: which made mee to treat of Aſſociations, Monopolies, Ingroſſings, and Foreſtallings, as hauing affinitie one with another, and to deſcribe them in diuided manner, as alſo to note their coherence, as followeth. For an Aſſociation, Company, or Societie may become a Monopoly in effect; when ſome few Merchants haue the whole mannaging of a Trade, to the hurt of a Commonwealth, when other Merchants are excluded to negotiate with their ſtocks, to vent the commodities of the realme with reputation, according to the word Μόνος, *Solus*, and πωλέω, *Vendo*, to ſell alone. And as this is done many times by one Merchant, for one kinde of Commoditie, be it Corne, Salt, Oile, Wools, and the like; ſo may it be done by a Societie of Merchants continually, vnder the colour of Authoritie. Albeit that there be no combination to limit any certaine prices for the ſale of Commodities in the particular of one Merchant or more Merchants agreed together to buy vp a commoditie, it may be called a foreſtalling. As one *Dardanus* did, whereof (as we haue ſaid) the name *Dardanarij* was vſed by the ſaid Ciuilians, who define them to be προπῶλαι, *Qui omnia præemunt, vt carius vendant*, That foreſtall or buy vp things, to the end they ſhould ſell them dearer. Which although it be agreeable to the practiſe, meaning, and intentions of Merchants; yet the practiſe is contrary to the Lawes, for it would run into diſorder in the gouernment of a Commonwealth. In the generall, where a Societie buyeth Commodities apart, and ſelleth apart, although vnder orderly gouernment, it is in the nature of ingroſſing, as the manufactures of Noremberg aforeſaid; and being done with diſcretion & good order, it can giue no cauſe of offence; but the abuſe thereof made the ſame odious, & ſo generally to be known of all men, as the word Vſurie is, implying a biting.

A Societie may become a Monopoly.

A Societie may become a Monopoly.

¶ *Definition of a Monopoly.*

THe trueſt definition of a Monopoly therefore is, A kinde of commerce in buying, ſelling, changing, or bartering, vſurped by a few, and ſometimes but by one perſon, and foreſtalled from all others, to his or their priuat gaine, and to the hurt and detriment of other men; whereby of courſe, or by authoritie, the libertie of Trade is reſtrained from others, whereby the Monopoliſt is inabled to ſet a price of commodities at his pleaſure.

A Merchant of London hauing ſent a great ſhip to Zant, to lade Corans & wines; being there ariued, another Merchant there inhabiting, vpon knowledge hereof, cauſed all the Corans to be bought vp, to preuent the ſaid Merchant, and to compell him to buy the ſayd Corans of him at deare rates, to lade the ſaid ſhip; which made the Factor, appointed to lade the ſaid ſhip, at his wits end. But being ingenious, he deuiſed a courſe to diſappoint the ſaid foreſtalling Merchant, and cauſed Bills to be ſet vp in all publique places, to giue notice that the ſaid ſhip was come, to take in Merchants goods for her lading, and to returne for London. Which beeing vnderſtood by him, brought him into a ſecondary, and to ſet all the Brokers of Zant on work, to help him to ſell the ſaid Corans again, whereby he became a loſer. In this and the like caſes the ſaid Societies are to haue a care of preuention; otherwiſe it is the part of the prince to look vnto it with a politick eye, vpon complaint made, as of late yeares hath bin done, when the French merchants did ſtriue to bring new wines firſt to the market, thereby inhauncing the price of Wines in France. It was ordered and commanded by proclamation, That no wines growing in France ſhould be ſold or put to ſale before the firſt of December, to be obſerued euery yeare.

For the like was done heretofore by our Merchants trading Spain, in the buying of Rotta Raiſons, by an order amongſt them, That none ſhould be ſould by them before the laſt of October: which being known to Merchant ſtrangers, made them to preoccupie the market (they not beeing bound to their orders;) ſo that this is to be done more properly by the Kings Proclamation.

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Preemption of Tinne.

Here I call to minde my former obſeruation of that royall commoditie Tin, which aboue one hundreth yeares ſince, was ſold for fortie ſhillings the hundreth, when the beſt Veluet was ſold for ten ſhillings the yard: how Merchants trading Turkie found fault with his Majeſties preemption of the ſaid Tin, and cauſed the ſame to be aboliſhed, to keepe the price thereof at fiftie fiue ſhillings the hundreth, and (bringing in Corins, Leuant Wines, Spices, and Indico, at deere rates, as they ſold them) vſed all meanes to ſuppreſſe the riſing thereof: which being conſidered of by forraine nations, cauſed them to vſe meanes to incorporate or ingroſſe the ſame, whereby that commoditie came to be of more eſtimation and requeſt; whereupon the ſaid preemption was reeſtabliſhed, which hath increaſed the ſtocke of the Kingdome ſince that time aboue ſix hundred thouſand pounds, being riſen to double the price, and yet but proportionable to the price of Veluets and other commodities. On the contrary, another commoditie Minerall, namely Copporas, which was ſold heretofore (when there was Letters Patents for the ſole making thereof) for 10 ℔, and 12 ℔ the Tun, whereof a great trade might haue been made for other Countries: hath been ſo ill gouerned by workmen vnderſelling one another, and for want of orderly carriage, that the ſame is ſold vnder 3 ℔ the Tun, and is become a meere drug out of requeſt, by the abundance made and indiſcreetly vented, bartered or exchanged. France yeelding abundance of Salt, although one yeare more than another, ſuffereth not the commoditie to be ouermuch vilified. For albeit that the ſubjects within the Realme do not care how good cheap they buy the natiue commodities, becauſe of their owne benefit; yet the Prince ought to haue a care to reduce them into trade, with a reſpect of the forraine commodities brought into his Kingdome. So that not onely thoſe Letters Patents or priuiledges granted by them, for the reward of new inuentions are neceſſary: but alſo ſome directions to Companies or ſocieties, are (in policie) very requiſite. Vertue in a Common-wealth ought as well, and rather (in ſome reſpects) to be more rewarded, than Vice to be puniſhed by cutting off the malefactors.

Letters Patents for new inuentions.

This is agreeable to the Common Law of the Realme, and the fundamentall Lawes of all nations: granting the Projectors or Inuentors, priuiledges for twenty one or more yeares, which ſome men without diſtinction of Monopolies, would haue abridged to 14, 11, or 7 yeares, wherein the thing it ſelfe ought to make the difference, vpon good conſiderations, and not to meaſure all things alike. For example, the Grant made for the ſole importation of Spaniſh Tobacco, doth gain and ſaue the kingdome many thouſand pounds yearely: for Bayes, Sayes, Perpetuanoes, and the like commodities, which theſe two yeares haue beene ſold in Spaine, with fifteene vpon the hundreth loſſe, to procure mony to buy the ſaid Tobacco, are now ſold to ſo much benefit, beſides the aduancement of the Plantations of Virginia and the Bermudas. But this is not proper to be don for other commodities that are not of that nature, neither of commodities to be exported, wherein ſuch and the like conſiderations is to be had.

The Farme of Tabacco.

The general intention of all Grants by Letters Patents for Manufactures, hath a relation to ſet the people on worke, to recompence the inuentor of the Art of Science, and that things may (in ſome meaſure) be better cheape to the ſubjects. What ſhall we ſay then, of thoſe Grants which make the commoditie good cheap to forraine Nations, and dearer to the ſubjects? Surely this cannot be without ſome great abuſe.

If a Keelne for the drying of Malt for all the Kingdome ouer, were inuented to be done with Pit-coale, better cheape than with Wood fire, and more pleaſing, without the ſent of ſmoake; and that this Keelne or Keelnes were placed in conuenient places, for all mens acceſſe, whereby they ſhould ſaue much charges, and haue their Mault better cheape: if hereupon Letters Patents wete granted to reward the Projector, no man of judgement will call this a Monopoly, nor any part thereof, although the publike liberty ſeemeth thereby to be reſtrained. For take it another way, and you ſhall finde it rather to be a common diſtribution than a reſtraint, whenſoeuer it bringeth a generall good and commoditie to the Common-wealth.

The Statutes of the Kingdome reſtraining from the exerciſe of ſundry Crafts all ſuch as haue not ſerued an Apprentiſhood vnto the Art which they would exerciſe, do

it

it to no other end, but that thoſe Arts might be brought to better perfection, and the things made might be good and ſeruiceable for thoſe that buy and vſe them.

Some men are well contented, if a Prohibition or reſtraint of a Commoditie bee done by Act of Parliament, and they will no manner of wayes haue called the ſame to be a Monopoly, although it be ſo in effect, when a Societie of priuate merchants haue a priuiledge to themſelues only to ſell certain commodities, or to import them, and all other ſubiects are excluded, although they were neither the diſcouerors or firſt inuenters thereof. But if it be done by the Kings prerogatiue then they take it to be a kinde of Monopoly. So that if it be by a diſpenſation vpon a Penal Law, they make the ſame queſtionable: wherein neuertheleſſe the Princes wiſedome is to rule for the good of the Commonwealth.

Others would haue all things at large in the courſe of traffick, and that there ſhould be no Societies or Corporations of Merchants for any places of Trade; but that by way of partnerſhip Merchants might aſſociate themſelues to make or enterpriſe ſome voyages, or in ſending of commodities in Copartnerſhip, without regard had, that Innovations are dangerous, where the trade hath been carried alwaies by Companies or Societies, whereof ſome are of great antiquitie. This is more conſiderable in the gouernments of Monarchies (and eſpecially in Iſlands) than in State or popular gouernments, where the ouerballancing of forrein commodities is not reſpected, neither the ouerabundant inhabitation of ſtrangers, which augmenteth their cuſtomes and Impoſitions layd at pleaſure vpon their commodities, as a principall matter wherby they ſubſiſt.

Others make a difference betweene Companies or Aſſociations, dealing in a joynt ſtocke or apart; affirming the negotiation of a joint ſtocke to be within the compaſſe of a Monopoly: neuertheleſſe they would be contented to tolerate the ſame for the imployment outward. But for the returnes homeward they would haue a diuiſion in kind or ſpecies, of the commodities which they receiue: which is contrary to the maner of the Portugals, whoſe experience hath made apparant vnto vs, that they haue for many yeares ſold their ſpices and other Eaſt India commodities with good order and reputation for their benefit.

And in this courſe they vſe many times other mens names, according to the Cuſtome of Merchants; as they do alſo manage other mens affaires in their own names: but this is done with the priuitie of the party whoſe name is borrowed, and thought worthy to be truſted, otherwiſe it may proue very dangerous, eſpecially in time of war. Merchants vſing each others names.

Touching foreſtalling of corne and other commodities in markets, it is (as I haue ſaid) prouided for by Lawes; neuertheleſſe the Ciuilians haue noted, That by the Municipal lawes of all Countries, it is not prohibited for any man to make his prouiſion of corne or other victuals for one whole yeare, and vpon changing of minde to ſell the ſame againe for profit.

Chap. xliij.

Of Merchants Oppignorations.

Merchants Oppignorations are more vſed in regard of the commodiouſneſſe of it, than vpon neceſſitie, as other goods are pawned. For when a Merchant hath a Shippe come home, laden with Wines, Oyles, Woad, or ſuch like Commodities, and is to pay a great ſumme of money for Fraight, Cuſtome, or Impoſt, he will not willingly diſburſe any more money, but will endeauour

to ſel part of his commodities to pay the ſame withall; becauſe that thereby he may auoid the payment of intereſt for money vnto others, which ſometimes hee cannot ſo readily finde vpon his owne Bond alone; and if he do, then muſt he be tied to take the ſame for foure or ſix moneths, and pay that intereſt; when within one moneth he may make monies of his owne goods. Vpon conſideration whereof, ſome rich Citiſens that haue great houſes, and many Cellars and ware-houſes, and to let them at greater rents, haue bin content to lend money vpon the goods brought into their cellars and ware-houſes, paying after the rate of ten in the hundreth for the yeare, and when they ſell their goods they muſt pay them the ſaid mony, for they do truſt Bayard in the ſtable. In which regard the houſes of Commerce are very neceſſarie, and other ſuch houſes that are ſpatious to receiue great quantities of Commodities, where the Cuſtomes and Impoſitions are only payd by the ſale of the Commodities, and you may borrow more mony for little or no conſideration at all. And hereby doth a Merchant inlarge his trade, and yong Merchants (hauing ſmall ſtocks) find great eaſe and commoditie. You haue at Lixborn the *Alfandega*, in Seuill a *Dicana*, at Venice *Il fontego*: at Antuerp the houſe of the Eaſterlings is memorable, wherof I did deliuer the figure in print to the late Earle of Salisbury, when he cauſed the Brittaines Burſe to be builded in the Strand; and withall a proje&t to build a houſe of Commerce vpon Tower hill: which he did like exceedingly, and proteſted that if he had not begun that work, he would vndertake this proje&t; which I do here declare, in hope that ſome honorable friend to Merchants may be pleaſed to build the ſame hereafter.

Houſes of Commerce.

¶ *Domus Commutationis.*

THe ſcituation of this houſe of Commutations or Commerce, would be verie commodious vpon the Tower hill, to be made of Free ſtone: the proportion almoſt ſquare, according to the ſaid Eaſterlings houſe at Antuerp, leauing a faire ſtreet on euery ſide; the fore part thereof towards the riuer of Thames, and the water to be brought before it, by cutting in the docke below the Tower wharfe, ſo as two ſhips of ordinary burden may at one time come in, to diſcharge at the Cranes to be made there for the purpoſe.

The drineſſe of the ground is very fit to make great Cellars, in the middeſt a ſtately Court, and all the lower part of this houſe double ware-houſes for Commodities of great bulke; and ouer that, Galleries anſwerable to the lower part, ſet vpon ſtately columes, full of ware-houſes for ſmall wares of value: and ſo for a third ſtory, and double Garrets for corne and ſuch like commodities, reſeruing ſome faire roomes for the entertainment of great Perſonages comming from beyond the ſeas, to feaſt them onely: alſo with a magnificent Turret, great gates, and places with ballances and beames to weigh all ſorts of Commodities.

The earth of the Cellars would ſerue to raiſe the hither part of the Ditches of the Tower, to make them deeper, and part of the ground leuell, fit for goodly Walks, and for the ſcouring of the Docke or entrance, a Mill might be made to grind Mineralls and other things.

One part of this houſe to ſerue the Clothiers that canot conueniently at all times ſell their Clothes at Blackwell Hall, which they may remoue when they haue occaſion to vſe mony to buy neceſſarie commodities to maintaine their trade; which commodities they may haue for that mony, or by way of commutation, as Woolls, Oile, Woad, Indico, Cutcheneale, Allome, Copperas, or other ſuch like, extant in other ware-houſes of this houſe, as by the Regiſter kept thereof will appeare; whereunto all Brokers ſhall reſort, and haue notice if they will.

When the Clothiers ſhall haue this commodiouſneſſe they will encreaſe their Trade, and ſet more people on worke to make good clothes according to the ſtatute; which will bee more vendible beyond the ſeas, to the generall aduancement of Traffique, his Majeſties Cuſtomes and Impoſitions, and all other dependances therupon.

No man is compelled to bring his commodities to this houſe, but allured thereun-

to by the commodiouſneſſe and benefits thereof, becauſe of the eaſe of Ware-houſe roome and Cellarage at eaſie rates, the commoditie of ſale or barter, the forbearing to pay Cuſtomes and Impoſts for a time, the taking vp of monies to ſerue his turne, and the goods better aſſured than in other places.

According to the ſaid houſe of the Eaſterlings at Antuerpe, there will be 108 cellars, and double that in ware-houſes, and after that ſo many garrets, in all aboue foure hundred roomes. The benefit thereof will be very great, one with another at ten ℔, is 4000 ℔. The benefit of weighing all commodities, and the ſelling and regiſtring of all wil be much more. And all the charge of this houſe is by the computation of ſome Workmen to be done for 15000 ℔, and may yeeld 10000 ℔ yearely profit, to the honour of the King, reputation of the city of London, welfare of the Realm, and credit of Merchants.

Our Staple of Wools (heretofore kept at Calice and Bridges in Flanders) is now out of vſe, and Staple townes are all as it were incorporated into London; and therefore it is to be hoped, that ſome worthy Merchants will of good affection to the city and State, be ready to reſolue to vndertake this building of the houſe of Commerce, as a worthy monument for poſteritie, and eaſe of all traders. Staples of Woolls.

The old Romans (when Monies were firſt made of Copper, and then Silver, and before golden Coines were made) had appointed a place called *Menſa Argentaria*, where they lent monies vpon commodities for a reaſonable conſideration, to aduance Traffique and trade; which in compariſon of ours was but in his infancie, and therefore to be left now to the mercy of monied men (without other prouiſion by authoritie to ſupply mens occaſions) ſeems to be impertinent, eſpecially when monies are not plentifull. *Menſa Argentaria.*

Hauing hitherto treated of buying and ſelling, and the dependances thereupon, now wee are to ſpeake of receiuing and paying by monies, and of the manner of Merchants dealings therein. But this doth properly appertaine to the ſecond part of the Law-Merchant, where Monies are compared to the Soule of Traffique and Commerce.

Returning therefore to the ſaid matter of Oppignorations, let vs note the queſtions of Civilians, Whether in the generall binding of a mans goods, wares to be ſold (called *Merces Vænales*) are compriſed, by ſaying, he binds his goods preſent and to come? The anſwer is, that they are bound, but yet the ſale of the ſaid goods is not hindered thereby, vnleſſe they were pawned and obliged to be in a place certaine, and named in the writing there to be extant. Alſo in *Tacita Hipotheca*, or as it were cloſe pawning, Merchants mony may be comprehended and made liable: but this is to be vnderſtood of monies had ſome other way; for it is reaſon that the mony which a man taketh vp ſhall ſerue him to expedite his affaires. A queſtion touching *Merces Venales*, for Oppignorations. *Titulus mandati.*

Alſo in binding of future goods, it is to be vnderſtood onely of ſuch goods as hee may get during his life, and not by any of his heires. Theſe reaſons haue a reference to Traffique, which is a generall body, and Commodities by merchandiſe or Commerce do ſupply themſelues in their places; ſo that when ſome commodities are diſpoſed of, other commodities come into the roome thereof: and the Lawes haue alwaies more regard to the generall than to the particular; inſomuch that a woman, euen for her dower, cannot arreſt her husbands goods, finding his eſtate to decay.

CHAP. XLIV.

The Proceedings vſed againſt Bankrupts.

A Dutch proverb Engliſhed.

THe mutabilitie and inconſtancie of all worldly affaires, and eſpecially of Merchants eſtates, cauſeth me to remember the antient Dutch prouerb, Goods loſt, nothing loſt; Credit loſt, much loſt; Soule loſt, all loſt: for to be rich and to become poore, or to be poore and to become rich, is a matter inherent to a Merchants eſtate, and as it were a continuall and ſucceſſiue courſe of the volubilitie of variable blind fortune, which is admitted (according to the heathen word) for a diſtinction of Gods prouidence, as the words of Fate, Deſtiny, Chance, and the like are, for the better vnderſtanding of it: ſo that by the frequency of it, Merchants haue made a great difference and diſtinction betweene a Merchant which is at a ſtay and taketh dayes for the payment of his debts, or one that is broken or bankerupt, hauing an eſpeciall regard herein for the preſeruation of credit, which is as tender as the apple of an eye. For it hapneth many times, that Merchants hauing taken vp mony at intereſt to augment their trade, and thereby doing good to their Prince and Countrey, ſhall receiue ſome vnexpected loſſes by wars on land, or Embargo's or reſtraints of Princes vpon the ſeas, of their ſhips and goods, or by hauing ſold their goods and merchandiſes at home at long dayes of payment, or otherwiſe vpon other occaſions, hauing their beſt meanes in remote places, whereby the ſaid Merchants cannot ſuddenly make payment of ſuch moneyes as they haue taken vp at intereſt, which in that interim may be due, and ſo they are driuen at a ſtay, although they haue very good eſtates. For ſome rich men (who like an Ape tied to a clog, which thinketh that he keepeth the Clog, when the clog keepeth him) are ſo tied to the clog of their wealth, that vpon the leaſt rumours of troubles and accidents hapning to their debtors, they become ſuſpitious of theſe mens eſtates, and fearing to become loſers, are ſo inquiſitiue of their debtors meanes (without reaſon and diſcretion) to the great hurt and impairing of Merchants credit and reputation, that thereby they are driuen into a ſtreight on a ſudden, and ſo ouerthrow them (vnawares many times) to their owne hinderance and loſſe. So that Merchants muſt be very prouident and carefull with whom they deale, in taking credit for monies, and not to haue too much of their eſtate abroad; for the prouerbe is true, That hee who is fartheſt from his goods, is neereſt to his loſſe. And in this caſe Princes haue great reaſon to interpoſe their prerogatiues for the defence of theſe Merchants perſons and goods, for preuention of their ouerthrow, vntill their goods come to their hands and diſpoſing, that haue bin detained as aforeſaid.

A caveat for Merchants.

This difference and diſtinction between a Merchant taking dayes of payment, and a Bankerupt, doth encourage men to deale honeſtly and conſcionably, eſpecially with the Vertuous and well diſpoſed; for *Virtus laudata creſcit*, whereby they pay euery man his owne in time, and for the moſt part with intereſt for the forbearance of their due debts: and therefore is it, That to call this man a Bankrupt, beareth a great action by the Civile Law, as alſo by the Common Law of the Realme, which is very careful for Merchants credits and reputation: For that Merchant which in the ſtormes of aduerſity ſheweth to be a good Pilot, deſerueth great commendation of the care and endeauors which he vſeth to preuent the ſhip-wreck of his reputation and credit, eſpecially with a good conſcience, which will be vnto him a continual feaſt, although the ſeas be turbulent, for he is armed with patience, and not deſtitute of comfort: and on the contrary, thoſe that like cowards become careleſſe of their credit, or being of an euill diſpoſition, ſeeke to defraud their creditors, and to inrich themſelues by their breaking,

paying

paying little or nothing; they do not onely deſerue a name of defamation, but ought to be met withall by ſome ſeuere puniſhment by the Law. It is not long ſince, namely in the yeare 1602, that there was a Merchant at Roan in France, who together with his ſonne and a Broker, had confederated to buy great ſtore of merchandiſes vpon their credit, of purpoſe to breake and to inrich themſelues; which being known, made them to be apprehended, and the court of Edicts did proceed criminally againſt them, as theeues to the Commonwealth, wherof they were alſo conuicted, and all three of them hanged in the market place: obſeruing that the reprehenſiue prouerb (*Dat veniam corvos vexat cenſura Columbas*) was to be remembred, To puniſh the ſmall theft or little theefe, and to ſuffer the great theefe to eſcape, which is vnreaſonable.

Seuere puniſhment of bankrupt.

The Statute of Bankrupts, made and prouided by our Law againſt Merchants and Citiſens only, was done to a very good intent, if it were executed accordingly, with due conſideration of the qualitie of perſons, and their behauiour. But ſome can preuent the means of ſuing forth the ſame, and ſo breake the ſtrength of it, as eaſily as a Spiders web, whiles plaine dealing men are layd hold of, that haue an honeſt intention to pay euery man according their ability preſent or future, as God ſhal inable them for *Vltra poſſe non eſt eſſe*.

The Statute againſt Bankerupts.

But theſe wel meaning men are oftentimes hindred to performe their honeſt intentions, by the hard and obſtinate dealing of ſome of their Creditors, to the vtter ouerthrow of them, their wiues and children, and the generall loſſe of all the reſt of the Creditors. Theſe men therefore are to be ouer-ruled by the Lord Chancellour, who may compell them to be conformable with the other Creditors, according to the Cuſtoms of Merchants in other countries: and there hath been in times, during the reign of Queen *Elizabeth*, a Commiſſion granted vnder the great Seale of England, for the relieſe of diſtreſſed priſoners in the priſons of the Fleet and the Kings Bench; which Commiſſion if it were renewed for the relieſe of the one, and the finding out of the other, would worke much charitie and contentment to the ſubiects. Howbeit to preuent theſe extreames is more commendable; for many Merchants and Shop-keepers do flouriſh and become rich againe, if their creditors be fauorable vnto them, and doe pay euery man to the full. Therefore are the Letters and licences deuiſed amongſt Merchants, which are as a Paſport for the perſons and goods of the debtors, giuen by the Creditors, by way of Couenant, that they ſhall not (for and during ſuch a time or terme of yeares) trouble or moleſt the perſons and goods of the ſaid debtors, nor cauſe to be moleſted, arreſted, or troubled, vpon pain and forfeiture of their ſaid debts, to be pleaded in Barre againſt them for euer, as a full payment of the ſame.

Commiſſion for the relieſe of priſoners.

Letters of Licence giuen to Debtors.

For the better incouragement, and to retaine men in their duties, the Cuſtome of Merchants concurring with the courſe of the Ciuile Law herein, doth make a reſtauration of credit to thoſe that pay their debts to the full, notwithſtanding their loſſes which they haue ſuſtained; and they may haue a publication made of it, by way of intimation to all men vpon the Exchange or other publique places, for a perpetuall remembrance to poſteritie, of their honeſt religious and commendable endeauors and behauiours, to the honour and credit of their houſe, kindred, or good deſcent. Which is more eſpecially regarded in Spaine, where a Merchant or Citiſen being decayed in his eſtate, and hauing payd according to his abilitie, yea although he doth not pay at all, ſhall be freed from all arreſts and troubles touching his perſon, if he make proofe that he is a Gentleman by birth: which extendeth ſo far, that all Merchants ſtrangers may haue and enioy the like priuiledge, vpon Certificate made by any that is Embaſſador or Agent for that country; who commonly will do it vpon the verification of it, by the Heraulds or otherwiſe: which cauſeth men not to degenerate in vertuous actions, although aduerſe fortune playeth her tragedie; which they ouercome with conſtancie and magnanimitie.

Reſtauration of credit.

A gentlemans priuiledge in Spaine.

The ſaid ſtatute againſt Bankrupts is made vpon very great conſideration, which lieth not againſt a Gentleman: ſo that to call a decayed Gentleman a Bankrupt, (although he haue had dealing in the world) beareth no Action at the Common Law, vnleſſe he were a Merchant or ſhop-keeper, &c.

The

Commissioners for the Statute of Bankrupts.

The Commissioners appointed by the Lord Chancellour vnder the great Seale, to execute this Commission of the statute of Bankrupt, must be Counsellors at the law, joined with some Citisens or Merchants, which are to seise of the party (which by the said Commission is proued to be a Bankrupt) all goods, debts, chattels and moueables into their hands, and to appoint one or two of the Creditors to be Treasurors of the same, which is afterwards to be distributed by the said Commissioners, vnto all such as they shall finde and admit to be right Creditors to the party (and with his priuitie and consent) vpon such specialties, bookes, or accounts as they shall produce and bee made apparnt vnto them; which must be done within foure moneths after the date of the said Commission. For if it be after the foure moneths expired, they may exclude any Creditor if they see cause: so that the said distribution shall be done to those only which haue been admitted within the said time, according to their seuerall principall summes due vnto them, without any interest for the forbearance since the specialtie was due, or any forfeiture; howbeit charges in Law expended for the debt shall be by them allowed according to their discretion. So likewise is it in the discretion of the Commissioners to admit any Creditor to come in, where the party was surety for another, if that party be likewise decayed. For it is vsuall for interest mony that two or three are bound together, and the Colaterall Bonds which they giue ech to other to saue harmlesse are to be considered, both by the said commissioners and the creditors.

The contents of the said statute.

It is also prouided by the said Statute, That whosoeuer shall be found to haue voluntarily yeelded to any arrest, or his body to prison, and so remaineth in prison for and during the time of six moneths, thinking by that imprisonment to free his goods, and to deceiue his creditors; against him may the said Commission be sued forth and executed accordingly; for he is to be taken for a Bankrupt according to the said Statute: and if the party be at liberty, against whom the said statute of Bankrupt is taken out, the said Commissioners may (if they see cause) commit him to prison, and giue him some allowance for his maintenance. And of all their proceedings there is a Register appointed by his Majesties Letters patents vnder the great Seale of England to record the same, vntill the Lord Chancellor do dissolve the said Commission by a *Supersedeas*.

Definition of the word Decoctor.

The Civilians are copious in the description of this argument, and haue attributed vnto this kinde of people the name of Decoctor, which is deriued from the word *Decoquo*, as it were to consume the substance of things by decrease and evaporation of boyling ouer the fire, otherwise called disturbers and consumers of other mens goods in the course of traffick. Neuertheless they doe obserue great distinctions betweene these persons, as in the treatise *De Decoctoribus*, made by *Benvenuto Straccha*, appeares. And the definition of Bankrupts is three manner of waies distinguished.

First, when a man becommeth insolvent, by losing his goods and other mens by fortune, mischance, and casualtie: which man is not taken to be infamous by the law, endeauoring to make satisfaction as he can.

Secondly, when a man by wasting, spoiling, and vitiously giuen, consumes his owne and other mens goods, and he by the Law is infamous.

Thirdly, when a man is decayed partly by wasting and spoiling of his owne and other mens goods, and partly by misfortune and accident; and this man is taken to be infamous if he be vitious.

Hereunto I may adde the fourth and most vile person, who enriching himselfe with other mens goods, breaketh without iust cause, and onely of purpose to deceiue men, according to the aforesaid example of Roan. Albeit I am of opinion, that the sayd Civilians haue left them out of the number to be criminally punished, as theeues to the Commonwealth, by the Magistrates or Princes authoritie, as the Banker of Florence was, who breaking for many millions of ducats, made a sudden and deceitfull composition with his creditors for the one halfe, and payd them in ready mony: which being vnderstood by the great Duke, he caused his processe to be made instantly, and thereupon he was executed also accordingly; which was good justice, and is to be don by the Magistrats, and not by the Creditors. As of late yeares one of Genoa in Italy did

did vnto a debtor of his, whom hee knew went about to deceiue him for great ſums of money; whereupon hē cauſed a Chaire to be made, and called the party to his houſe, and entreated him to ſit therein; which being made with certaine engins, did ſuddenly ſo gripe and inclaſpe his ſaid debtor, that he was compelled to pay him, or it might haue coſt him his life. True it is, that in Ruſſia a man hath leaue to beat, or to haue his Debtor beaten vpon the hinder parts of the legs, if he cannot pay, and therewith he is diſcharged: which is not ſo cruell as to keep him alwaies in priſon, and make him endure a lingering death: wherein the vndoing of wiues and children are made partakers vniuſtly. Puniſhments of Bankrupts.

Concerning fraudulent dealers the Law is, That by making Ceſſion they ſhal not be relieued, and may be apprehended in the Church; whereas a Free man cannot bee arreſted or taken in the Church, but may be vnto him a place of refuge.

If he be found a fraudulent man by his bookes of account, then any bargain or ſale made two or three daies before his breaking, by goods ſold good cheape, may bee recalled and auoided: and in like manner, if he pay one man after his breaking, the ſame may be taken to be done in fraud of all the other creditors, and may be recalled for the generalitie. So goods bought by him before breaking, if they be found *in eſſe*, may be claimed by the ſeller to his particular vſe and payment againe.

All conjectures of fraud may bee augmented and aggrauated againſt the fraudulent man, according to the ſaying, *Semel inventum decies factum.*

If any man do breake in partnerſhip, the partnerſhip is *ipſo facto* diſſolued by Law: but the credit of the other remaineth, paying the debts of the partnerſhip.

Alſo any commiſſion giuen by him for the partnerſhip is void inſtantly: howbeit, if a Factor being ignorant of his breaking, haue cauſed his commiſſion to be followed, that which is done doth binde the Maſter, and ſhall excuſe the Factor.

A debtor ſuſpected by others, may be touched before monies be due, and the Creditor may attach ſome of his goods or pawns: which is the cauſe that the writ of *Latitat* out of the Kings Bench Court may be ſerued vpon them to finde ſureties for their apparance (at the returne of the Writ) before the Iudges of the ſaid Court. But the Lawes in diuers countries do much differ in the proceedings and execution of theſe fraudulent men. Suſpitious Debtors.

Here ariſeth a queſtion, Whether a Surety can pretend to be diſcharged, if the creditors haue made or agreed with the Principall for a longer time of payment, and the Principall breaketh? The anſwer is, That if he knew of the new agreement of the ſaid party for a longer time, he is liable thereunto: otherwiſe being bound as a ſurety for a time limited, hee ought to bee cleared at that time, or to make ſuit or demand to haue his ſatisfaction of the Principall, as alſo of the Surety; which beeing neglected, doth in equitie diſcharge the ſaid Surety: the reaſon is, becauſe if the Surety do breake at or before the time of the payment, the Creditor may demand another Suretie in that mans place which is broken, wherein the Law is very indifferent. And this is the cauſe that diuers Lord Chancellours of England (for monies taken vp at intereſt vpon Bonds) were of opinion, That when the ſaid monies are continued or prolonged at intereſt, the Bonds ſhould be renewed, and the Counterbonds alſo, and not to leaue the old Bonds for many yeares to be vncancelled: for it doth oftentimes happen, vpon occaſion of abſence of ſome of the parties, that a new Bond is ſometimes ſealed, and the old not taken in, which breedeth contention: for the new Bond being made, the old is void, and yet may be vncancelled, and alſo put in ſuit by ſome Executour or Adminiſtrator, ignorant of the other new Bond taken for the ſame, and payd long before. Albeit herein it ſeems there is more reaſon not to make new Bonds: how ſoeuer, diligent care muſt be had herein both by the parties and ſcriueners which make the Bonds. A queſtion for ſuretiſhip.

Concerning agreements to be made between Bankrupts and their Creditors, there is a queſtion made, That if Creditors do agree with their Debtors for ſome part of their debts, becauſe of the Debtors loſſes and misfortunes; Whether when the parties become rich againe they may reuoke their agreement? And the Law hath determined this queſtion, That if vpon the agreement there be an acquittance made by the Creditor,

Creditor, then the ſame agreement is abſolute and cannot be reuoked, vnleſſe the Acquittance were conditionall.

The greateſt number, or the greater ſumme of the Creditors being agreed with the Debtor, are bound to be conformable with the other, and to do the like with the helpe of authoritie, not onely by the Ciuile law, but alſo by the Merchants Court of Prior and Conſuls, which authoritie is already noted before to be in the Lord Chancellor. But the difference is great betweene the greater number of the Creditors, or the greater ſum: for a man may haue an infinite number of ſmall Creditors, or few Creditors for very great ſums by him owing; ſo that the greater number ſhall ouerrule the greater ſums. It is therefore thought conuenient to follow the greater ſums, which neuertheleſſe doth not hinder the ſmaller number to proceed vpon goods appertaining to the partie, if they can finde them, if by the ſaid authoritie the whole eſtate of the Decoctor be not managed: whereupon the Bills of conformitie were of late yeares vſed in the Chancerie, which by the Parlement *Anno* 1621 are made void, becauſe of diuers great abuſes committed in the defence of Bankrupts, who to ſhelter themſelues from the rigor of the Common-lawes, did preferre their Bills of complaint in Chancerie, which was in the nature of a Protection, and the parties broken, became to be releeued for eaſie agreement with their creditors, albeit at charges another way extraordinary.

Bills of conformitie in Chancerie.

Now concerning fugitiue perſons (being indebted) if they be Merchants, they are taken *pro confeſſo* to be Decoctors or Bankrupts, for they in ſubſtance by their abſence deny to giue a reaſon of their loſſes to their Creditors, which they ought to do, if by fortune they are to haue good and fauourable dealing, if it ſhall appeare, that by loſſes, and not by waſtfull or lewd behauiour, they came behind hand, whereby the Creditors are induced to diuide in ſome meaſure the parties goods amongſt them, as they may by the Law and cuſtome of Merchants.

Fugitiue Merchants.

The ſtatute (made in the 34 yeare of King *Henry* 8) hath well prouided againſt theſe fugitiue perſons, that a Proclamation ſhall be made againſt them, That if they do not returne within three moneths after they ſhall haue notice of it (which by *Affidauit* muſt be certified) to preſent themſelues in ſome conuenient place to be declared, that then they ſhall be proceeded againſt, as if they were contemners of the lawes of the realme. And in the meane time (by order from the Lords of the priuie Councell, who haue authoritie to grant a warrant for the Proclamation) all ſuch reuenues of lands or goods to be ſequeſtred, and afterwards to be ſold as cauſe ſhall require for the paiment of the Creditors, which execution hath lately beene practiſed againſt diuers, but lyeth onely againſt the Kings ſubjects, but not againſt ſtrangers, nor other perſons which are not Merchants or trades-men.

Proclamation againſt fugitiue Merchants.

All meanes of ſtrict proceeding are to be vſed againſt thoſe fugitiue Merchants, as alſo other Decoctors, and againſt them that doe giue them any aide or aſſiſtance, which is not tollerated by the law: for he that will helpe them becauſe hee may the ſooner recouer of him his owne paiment, may be conuicted of fraud by the law, when it is found out and diſcouered; beſides that, the other Creditors may call that money backe againe to be diſtributed amongſt them. And the *Dictio, nullo modo* is to be vnderſtood at no time, and without reaſon of excuſe, in al other things prohibited by the law, eſpecially in this which concerneth the diſturbers of commerce, ſo much to be celebrated. And becauſe many queſtions do ariſe by the meanes of the interruption of trafficke by Bankrupts, and that (as I haue noted already) the lawes in moſt countries do differ in the proceedings againſt them: I haue therefore in this Chapter made a more ample diſcourſe, both of the Ciuile Law, the cuſtomes of the Merchants courts, and the examples and lawes of other countries, to preuent the multiplicities of caſes which might be alledged by true obſeruation of the premiſſes.

Nullo modo, How to be taken.

The queſtion concerning Bankers which haue their ſeuerall places or bankes in diuers juriſdictions, and become Bankrupt, How their Creditors ſhall be dealt withall in the diuiding of their eſtates betweene them, is worthie obſeruation: for whereas they keepe two, three, or more Bookes of account in ſeuerall places, and therein diſtinguiſh the Creditors of their ſeuerall Bankes: The Ciuilians are of opinion for the moſt

A queſtion which concerneth the eſtate of Bankers.

part,

part, That the Creditors of one iuriſdiction ſhould not participate with the Creditors of another iuriſdiction, and haue put the ſame in practiſe; but the court of Merchants do vſe to take an account of the ſtate of the Bankrupt diſperſed in all countries, and diuide accordingly.

CHAP. XLV.

Of Manufactures.

HAuing ſo often inculcated that important argument, whereby true Merchants are to be carefull, That trafficke and commerce may be profitable as well to the common-wealth, as to themſelues; we may not omit to intreat of Manufactures, as an important matter to the cuſtomary Law of Merchants, conſidering the aboundance of materials and ſtuffe which the realmes of England, Scotland, and Ireland do affoord, whereby the people may be ſet on worke to auoid idleneſſe (which is the root of all euill) moſt dangerous in countries which are populous.

Idleneſſe the root of all euill.

Experience demonſtrated vnto vs, how many other nations (hauing not ſtuffes of their owne, but from others) do neuertheleſſe ſet their people on worke vpon the ſtuffe and materialls of other countries, making and diſperſing the ſame into a large trade. Therefore it is conuenient to encourage all men to reward new inuentions with ſome priuiledges for a time, and not for euer, to auoid the courſe of Monopolie, and to make the benefit to the common wealth more generall, which maketh men painefull by the radicall moiſture of gaine, whereof Merchants are to haue a conſideration ſo to reward the artificers and handy-crafts-mens labours, that they may liue by their worke, according to the Dutch Prouerbe, which themſelues vſe ſo frequently, *Leuen ende laet en leuen*, To liue and to let others liue. This is to regarded alſo by ſtates-men, forbearing to impoſe ouer great Cuſtomes to be paied vpon commodities, whereby the people is ſet on worke both vpon goods imported and exported. It is therefore prohibited in France, that tallow be brought in, but not candles; old ſhoos, but not cobled; paper, but not cards, and the like; much more for richer wares, as ſilkes, cotton-wools, and linnen, &c.

New inuentions to be rewarded.

Liue and let liue.

The commodities which are not made at all, or but in ſmall quantitie in England, and may be practiſed, are many, as Buckrams, Tapeſtrie, Buſtians, Cambrickes, Canuas, Cables, Babies, cloth of Gold and Siluer, Damaske, Diaper, Mather, Paper, and diuers other things; all which may be made in time, *Quia nemo naſcitur artifex*. And herein is to be conſidered, That all other nations being carefull to maintaine manufactures, cannot but take an offence, if any other nation will endeauour to do all, and to exclude others, which extremitie enforceth another; as we haue found by the enterpriſe of the late new company, for dreſſing and dying of all the white clothes in England, which cauſed other nations to make clothes of their owne by the wools of other nations. For (as hath beene noted) it is contrary to that common entercourſe and mutuall courſe of commodities, whereof ſome countries are deſtitute, and other countries do abound, thereby ſupplying the barrenneſſe of the one with the ſuperfluities of the other, maintaining a friendly correſpondence and familiarity.

One extremitie enforceth another.

The Impreſa, *Sceptra fœuent Artes*, may better be attributed to common-weales or popular gouernments, than vnto Monarchies or Kingdomes, becauſe experience proueth the ſame vnto vs, by the great quantities made of manufactures, and diſperſed by way of trade; as we haue noted by the laudable engroſſing of them at Norenbourgh.

The ſtriuing of making commodities, and to vnderſell one another, are dangerous, and preiudiciall to both parties; for by their contention they hinder each other, and bring

To vnderſell commodities is very dangerous.

bring commodities to be leſſe eſteemed. This is a matter of great conſequence for ſtates men to be taken into their ſerious conſideration; for as the Spaniard ſaith, *Quien todo lo quiere, todo le pierde.*

Bogging of Peate and Turfe.

Setting the fiſhing trade apart (which cauſeth all ſorts of poore to imploy their hands, though they want legs) let me recommend vnto you, the making and bogging of Peate and Turfe, the rather for the want of wood, which England is like to haue in progreſſe of time, the woods being much decayed and inhaunced in price, and Peate and Turfe may be made ſeruiceable to ſupply the vſes of wood, and ſet an infinite number of people on worke. As the making of Yron, and all other mettalls made in fowndries and fineries: the boyling of mineralls, as Allome, Salt-peeter, Copperas, and the like, the burning of Brickes and Tyles, the making of Glaſſe, the refining of Sugar; beſides the common vſe for brewing, baking, dying, and other profeſſions, and euery man conſuming wood more or leſſe in his houſe, beſides ſea-coale.

Commodities by the bogging of Turfe.

And here I cannot omit to ſay ſomething of the commodities which will redound hereby to the common-wealth, namely, all boggie waſt grounds and quagmires (vnprofitable and dangerous for feeding of cattell & deere) ſhall be conuerted to profitable vſes, in the making of Peate and Turfe, and (in time) with the oft dreaning of the waters, turn to firme grounds and fiſh ponds. It will preuent the oft drowning of deere and cattell, venturing for ſome graſſe growing in bogs and quagmires, whereby alſo many of them become rotten by drinking the vnwholeſome red waters thereof. All the ſaid grounds will be ſafer and pleaſing for hunting and planting of woods, and the fiſh-ponds may be planted round about with Oſiers and hazelwood for hoopes, with diuers other profitable meanes, as in Holland: for the ſaid turffe is to be made accor- to their manner, auoiding the ſulphurous ſmell, by two yeares drying of them before their vſe, and then they will in time be vſed by moſt men which now finde the ſaid turffe to bee offenſiue, as they did in the beginning when ſea-coales came to be vſed in priuate mens houſes: if this had beene followed, the bogging of turffe had beene already pleaſing and profitable.

Apifacture of Hony & Wax.

Next let vs ſomewhat digreſſe from Manufacture, to Apifacture, and (with *Solomon* the wiſe) ſend the ſluggard to imitate the painefull and laborious Bees, for the increaſe of Hony and Wax in England, Scotland and Ireland, and other of his Majeſties dominions: and let mans helpe ſuccour this Apifacture, if it may be ſo called, as followeth.

The Bee-hyue of two pieces.

The meanes to increaſe Hony and Wax, doth properly conſiſt in the preſeruation of Bees, and the making of conuenient Skepes or Bee-hyues after a new inuention: Namely, you may make your Skepes either with Straw or Wicker of two ſorts, and to be of two pieces, to take off at the crowne or neere the midſt of the Hyue; that when they haue gathered and filled vp their houſe, and that the roome is ſcant within, then take away the vpper halfe and clap on a boord, or the bottome, or head of a pitch Barrell or tarre Barrell, or the like hauing pitch on it, caſting Mault meale, or Beane meale vpon the ſame; and then daube it well with clay about the skirts, and ſetting on with your clay mixt with ſome ſalt; and when you haue thus done, then raiſe it vp below with ſo many wreythes, as you tooke aboue for the gelding of your Hyues before, which is very needfull to make the greater plenty and increaſe. For making your Skepes in this manner, the Hony may be taken at all times; but eſpecially, when you do perceiue by the lifting vp of your Skepes, that your Bees are well prouided for the Winters prouiſion, and that there be plenty of food yet to gather, then cap them. Take a ſtrong wyer, make it flat, and cut your combes in two, and then haue a parchment in readineſſe to follow the wyer, to keepe aſunder the wax from cleauing, laying on your boord with pitch and meale, as aforeſaid. This to be done in Summer.

¶ *Preſeruation of Bees for the Climate of Great Brittaine, &c.*

1 IN March your Bees doe begin to breed, and then they begin to ſit, let them at that time be ſerued twice euery weeke, becauſe:

2 In

2 In Aprill your Bees begin to hatch, ſerue them in hard and rugged weather, whereby they are hindred to be abroad.

3 In May is your Bee comming forth, looke to ſerue them vntill Midmay.

4 In Iune are your Bees in their ſtrength for caſting, and then there is great plentie of Floures and Dewes for them to feed vpon.

5 In Iuly they are full of Hony, therefore cap your firſt ſwarmes, and take vp the reſt for Hony that you meane to take vp for that yeare, and cap as followeth.

6 In Auguſt is the moſt breed of Bees paſt, and you may cap likewiſe thoſe you meane to keepe ouer the yere, I meane your old Stockes, for then they may forbeare it.

7 In September the gathering of Bees is paſt; ſtop cloſe, and if there be any that is not capable, leaue them and ſtop cloſe with clay and ſalt, and daube below with Cow-dung as the manner is.

8 In October begin to looke whether robbers haue ſpoiled any or not; if it be ſo that they haue, take away your Bees as in Hony time, and ſet vp your Skepes with the combes whole, to be vſed as hereafter followeth.

9 In Nouember ſtoppe vp all holes, let none paſſe in or out; but if they proue weake, then take away your Bees from the combes, and keepe them for the ſecond and third ſwarmes after.

10 In December houſe your Bees, if they ſtand cold: and in the North, houſe all.

11 In Ianuary turne vp your Bees, and throw in wort and water and Hony twice or thrice, but let your water be warme.

12 In February ſet forth and ſerue all them that ſtand in need, with wort and hony, or hony and water, ſo it be warme; and then in March looke for their breeding, as is before declated.

No corrupt combes to be left, but the bad are to be taken forth in the Spring time (being in feeding) and when you haue throwne in one pinte of warme wort, and that they are ſtruggling with the clammineſſe of the wort; then may you very well take from them any thing that doth annoy them; which manner of dreſſing you may obſerue for many yeares during your Skepe, ſo long as they ſtand to worke new againe.

¶ *Neceſſarie obſeruations concerning the Premiſſes.*

FRom the middle of Aprill, vntill the middeſt of May looke diligently to thy Bees; for then are they neere beginning to hatch, and do ſtand in need of moſt helpe, eſpecially if the Spring be cold, and the winde holding any part of the North or Eaſt; whereby the tender buds or bloſſomes doe periſh, and the Bees are driuen to the bloſſome of Apple trees, which is their vtter ouerthrow and decay. The poyſon of Bees.

¶ *Helpes for weake Bees at all times.*

TAke water and hony mixt together made luke warme, and throw it amongſt the combes, to the quantitie of a pinte at a time: or ſtrong wort new runne, or vnboiled wort alſo luke warme, and the ſame two or three times at the moſt; and this for the firſt Swarme.

For the ſecond and third Swarme muſt be giuen in their Hiues, to preſerue that which they haue gathered: Take Mulce, which is eight times ſo much water as hony, boiled to a quart or three pintes; ſet the ſame with diſhes in their ſhepes, laying a few ſtrawes in the diſh to keepe them from drowning. Wort and Figs boyled will ſerue alſo.

The Smoake (as it were the Tabacco of Bees) wherein they delight, is Cowes or Oxen dung, ſophiſticated with ſweet wort; and the marrow of the Oxe or Cow, being well dried: take the Shepe (which is diſeaſed) and ſet it in a meale skiffe or riddle, and then kindle a little fire with your Cowes dung, and ſet them ouer the ſmoake of the fire, and ſo ſmoake them by fits, ſcarce ſo long at euery time as you can tell tenne, and beware not to vſe this ſmoaking too oft, but as neceſſitie requireth and in gentle manner. Bees Tabacco.

The neceſſarie vſe of hony and wax, made mee to obſerue the premiſſes, wiſhing, That in all Pariſhes of Great Brittaine and Ireland, all the Parſons and Vicars in Countrie Townes and Villages, were injoined to keepe Bees for their owne benefit, and the generall good, which they may doe conueniently in the Churchyards, and other places of their Gardens, and ſome of their children or ſchollers may attend the ſame.

Equiuocall generation of Bees.

The multiplying of Bees is eaſie without deſtoying them, and the creation of them is knowne to many, proceeding of the corruption of a Heyfar, the fleſh whereof is fit to ingender Bees, as the fleſh of Horſes for Waſpes, or that of Man for Lice. And to abbreuiate, I doe referre the deſirous Reader hereof to M^r *Hill* his booke of Husbandrie, where he ſpeaketh of Bees, with the commoditie of Honie and Wax, and of their vſes and ſeuerall profits, collected out of the beſt learned Writers, as *Plinius*, *Albertus*, *Varro*, *Columella*, *Palladius*, *Ariſtotle*, *Theophraſtus*, *Cardanus*, *Guilielmus de Conchis*, *Agrippa*, and others.

Returning to manufacture, and to conclude this argument, many are the commodities to be made of Silke, Wooll, Linnen Cotton, and other Stuffes; but vaine is the conceit that would command and gouerne them all. But as we haue declared before, in the Commutation or Barter, and the vſe of them, lyeth the greateſt conſideration; and in the ſetting of people on worke to auoid idleneſſe, the diſturber of Commonweales, which cauſeth men to make Plantations and Diſcoueries of other Countries, whereof incidently we are now to handle ſomething, ſeeing that Merchants haue the managing thereof.

CHAP. XLVI.

Of Plantations of People, and new Diſcoueries.

Plantation of Colonies of people.

WHEN the Common-wealth of the Empire of the Romans grew to be very populous, and men (idle) would haue ſtirred more commotions: Then the Plantation of Collonies of people in other Countries was moſt neceſſarie to be practiſed, and meanes alſo to ſet the people on worke, or to employ them in the wars, to gouerne the quieter at home. And at this day in Rome and many other places in Italy, if a man ſhall be found to liue idle and want meanes, offer is made vnto him to draw a lot for a ſumme of mony, be it 30, 40, 60, or a 100 ducats (as he may be reputed) to haue that mony, or to become an officer in their Gallies, where other malefactors are confined to ſerue. For vnleſſe the three Impoſtumes of the world, namely, Warres, Famine, and Peſtilence, doe purge that great Bodie; all Kingdomes and Countries become very populous, and men can hardly liue in quiet, or without danger. Merchants therefore ſeeking to diſcouer new Countries, are much to be commended and cheriſhed, and their Cuſtomes are to be obſerued as a Law permanent, which hitherto haue beene herein kept vnuiolated.

Three Impoſtumes of the world.

Plantation of Virginia and the Bermudus.

The vnfatigable induſtrie to make a compleat Plantation in Virginia, and the Iſland of Bermudus, (which hath beene very chargeable) might haue beene farre better, if honeſt houſholders and families of ſome abilitie had beene induced thereunto by benefit and profit at the beginning, and meere poore people and vagabonds had not beene admitted but afterwards. This inducement ſhould haue wrought in their Idea, an imaginarie Common-wealth, and ought to haue beene done in this manner following.

Make

Make choice of ſome honeſt Shoomakers likely to try aduentures and to inrich themſelues, know of them how many paire of Shoos they make yearely, whereby they liue and their families, although victualls be deare. Then let them know, that foure or fiue times ſo many ſhall be taken from them, and Leather be deliuered them, if they will goe and inhabite in Virginia, where they ſhall haue houſes and lands for themſelues and their heires for euer, and their worke ſhall be taken from them, and they ſhal be duely paied, and that a certaine number onely ſhall haue this priuiledge for certaine yeares, and none others to be admitted, albeit the number of people do ncreaſe; whereby they may be ſure of a certaine beneficiall liuing. And no doubt they will aduenture that little they haue to inrich their meanes and eſtate, and perſuade their wiues and ſeruants to go with them, who may ſucceed them vpon other good conditions. The like is to be done with Taylors, Bakers, Brewers, and other handicrafts-men, and (ſo conceiuing a common-wealth within themſelues) will reſolue and encourage many that are of ſome meanes to accompany others of ſmaller meanes, whereby the baſe minded will bee brought to bee alſo painefull and induſtrious in time, and the charge of the vndertakers will be leſſe, and more commodious to prouide the Voiages with facilitie.

The like was to be put in practiſe by the Hollanders, in the Iſland of Saint *Thomas* vnder the line: but the extremitie of the heate of that Climate did bring a diſorder, and the attempt was giuen ouer. It is more likely to be eſtabliſhed in other places: for albeit the warres in Europe will diminiſh the people, yet moſt countries are populous.

Politicians although they are much miſtaken in the number of pariſhes of ſeuerall Kingdomes, yet are they not in the number of the perſons or inhabitants.

What people in France in number, &c.

France containing by late eſtimation about 27400 pariſhes, eſteemed in 44 hundreth thouſand families, of fiue perſons to a family (where in England ſix perſons are accounred to be in a family) is 22 millions of perſons.

England containing 9725 pariſhes, 52 ſhires, and 26 cities, is eſteemed in 28 hundreth thouſand families of ſix perſons, which maketh 16 millions, and 800 thouſand perſons.

Scotland containing aboue 4000 pariſhes, is eſteemed to haue about 1500 thouſand perſons or families of ſix perſons, is nine millions of perſons.

Ireland containing 5500 pariſhes, was eſteemed not to containe the two third parts of Scotland, which is now much increaſed.

The Prouince of Flanders (one of the 17 Netherlands) eſteemed to containe 140 thouſand families, of fiue perſons, is 700 thouſand perſons, which is more than the Kingdome of Denmarke being ten times more ſpatious.

Too populous is dangerous in Monarchies

Now omitting to ſpeake of other Countries, let vs obſerue that in all popular gouernments, be it an Ariſtocracie, or Democracie, the meanes to make countries populous is thought reaſonable, which in Monarchies is held to be dangerous. The concourſe of people cauſeth the greater conſumption of all things, and the reuenues are great by Impoſitions, and it giueth life to Trafficke and Commerce.

The Plantation of Vlſter (one of the foure Prouinces of Ireland) is now very great, and the meanes to ſet the people on worke are to be taken in hand, which may be done by a Corporation of Engliſh and Iriſh Merchants there inhabiting, and Engliſh Merchants in England to vent the ſuperfluities of their commodities of that Kingdome, and to increaſe the manufacture of many needfull commodities to be made there, the realme affording ſtuffe and materialls thereunto plentiouſly.

And here I remembe a good obſeruation heretofore made touching the Kingdome of Ireland, Why the ſame was not brought vnto perfect obedience to their ſoueraigne theſe 400 yeares, but vnder our moſt gratious King *Iames?* which is attributed to the miſtaking of the place of the plantation of the firſt aduenturers, that were deceiued in their choiſe; for they ſate down and erected their caſtles and habitations in the plaines and open countries, where they found moſt fruitfull and profitable lands, and tutned the Iriſh into the woods and mountaines, which, as they were proper places for Outlawes

Fit places for plantation to be conſidered of.

lawes and Theeues, ſo were they their naturall caſtles and fortifications: thither they draue their preys and ſtealths; they lurked there, and waited to do euill and miſchiefe; for theſe places they kept vnknown, by making the waies and entries therunto impaſſible; there they kept their cattle, liuing by the milke of the Cow, without husbandry or tillage; there they increaſed and multiplied vnto infinite numbers by promiſcuous generation among themſelues; there they made their aſſemblies and conſpiracies without diſcouerie; but they diſcouered the weakeneſſe of the Engliſh dwelling in the open plaines, and thereupon made their ſallies and retraits with great aduantage. Whereas on the other ſide, if the Engliſh had builded their caſtles and townes in thoſe places of faſtneſſe, and had driuen the Iriſh into the plaines and open countries, where they might haue had an eie and obſeruation vpon them, the Iriſh had been eaſily kept in order, and in ſhort time reclaimed from their wildneſſe, and would haue vſed tillage, and by dwelling together in townes hips learned Mechanicall Arts and Sciences. This diſcourſe may ſeeme ſtrange to the Law of Merchants: but when Merchants vndertake Plantations (as we ſee they do) no man will hold the ſame to be impertinent.

The diſcouery of the Southerne countries called *Terra Auſtralis.*

And for as much as diuers Mathematicians heretofore haue according to thoſe diſcoueries made their maps, & vpon good probabilitie affirmed and ſet down *Terra Auſtralis incognita*, whereof diſcouerie hath beene made in the yeare 1615 by *Fardinand de Quir*, a Spaniſh Captaine; let vs conſider, that many other Countries may alſo bee found out: albeit this containeth a fifth part of the world, for (as he ſaith to *Philip* the third, late King of Spaine) the length thereof is as great as all Europe, and Aſia the leſſe, vnto the ſea of Bachu, Perſia, and all the Iſles, as well of the Ocean, as of the Mediterranean ſea, taking England and Iſland into this account; ſeated within *Zona Torrida*, and a great part thereof reacheth vnto the Equinoctiall Circle, eleuated vnto them to 90 degrees aboue the Horizon, and in ſome places a little leſſe.

There they liue without Kings or Lawes, and know no neighbourhood either of Turkes or Moores; and according to this manner of life (although they want Yron and Guns) they haue not need of any thing. But they abound with many excellent commodities, whereof the Spaniards will in time make vſe, eſpecially if they be more aſſured of Gold there to be found, as in part they are of Siluer and Pearles; for theſe are the three moſt pretious darlings that lie and are cheriſhed in the boſome of Nature. To ſay nothing of Spices and Drugs whereof they abound, with many other commodities, by the ſaid Captaine declared.

True cauſes to make plantations.

And here we may not omit to remember, That it is not enough to diſcouer countries, and leaue them without plantation, or at the leaſt neglect the vſe of them, if Merchants do giue ouer their enterpriſes: but it is the part of Princes to ſee Plantations made, for two maine reaſons, That is, to conuert the inhabitants or neighbours to Chriſtianitie; and, to the end ſuch temporall bleſſings may be enjoyed as the Land and Seas do afford: moſt requiſite to be done in the Iſland of New-found-land, bordering vpon the coaſt of America, from which it is diuided by the ſea, ſo farre diſtant as England is from the neereſt part of France, and lyeth betweene 46 and 53 degrees North latitude, as Captaine *Richard Whitbourne* hath very well declared in his diſcouerie, affirming the ſpaciouſneſſe thereof to be almoſt as Ireland: and therein he hath noted many diſorderly courſes committed by ſome Traders and fiſhing Merchants, in ſetting forth to the New-found-land, which are worthy the obſeruation and knowledge of Merchants, becauſe that the like errors may not be committed in other voyages, which by this good aduice may be preuented or reformed.

Worthy conſiderations for plantation for the fiſhing trade.

It is well knowne, ſaith hee, That they which aduenture to New-found-land a fiſhing, beginne to dreſſe and prouide their Ships ready commonly in the moneths of December, Ianuarie, aud Februarie, and are readie to ſet forth at ſea in thoſe Voyages neere the end of Februarie, being commonly the fowleſt time in the yeare: and thus they doe, ſtriuing to be there firſt in a Harbour to obtaine the name of Admirall that yeare, and ſo to haue the chiefeſt place to make their fiſh on, where they may doe it with greateſt eaſe, and haue the choiſe of diuers neceſſaries in the Harbors. And thus

by

by their haſting thither, oftentimes there comes not onely dangers to themſelues, but alſo great miſchiefe and loſſes to many others which arriue there after the firſt, as it may by that which followes truely appeare.

For by the haſting forth (as now they vſe) they greatly endanger themſelues, being many times beaten with rough and ſtormy windes, and oftentimes they are thereby forced to returne backe with great loſſe both of mens liues and goods, as it is well knowne; ſo that to get the ſuperioritie to arriue there firſt in an Harbour, they will beare ſuch an ouerpreſt ſaile, and in ſo deſperate a maner, as there are no true vnderſtanding ſea-men that vſe the like to any place of the world. For albeit when the fogs are thick, and the nights darke, that ſometimes they cannot diſcerne the length of three ſhips in the way before them, and the yce often threatning much perill vnto them; yet on runnes the ſhip amaine ſo faſt as poſſibly ſhe may, when commonly moſt part of the company are faſt aſleep, euen with extreame hazard of their liues. Thus many times both ſhips and men haue been caſt away ſuddenly, to the vtter vndoing of many aduenturers and families.

And alſo this vntimely ſetting forth conſumeth a great quantity of Victualls that might bee ſaued to better purpoſe, and it forceth them to carry and recarry many more men in euery Ship (euery Voyage) than they need, if they once take a fitter courſe.

Such Stages and houſes that the firſt arriuers find ſtanding in any Harbors (wherein men ſet diuers neceſſaries, and alſo ſalt their fiſh) ſome men haue vſed to pull downe or taken their pleaſure of them: by which vnfit diſorders of ſome firſt arriuers there yearely, thoſe which arriue after them are ſometimes twentie daies and more, to prouide boords and timber to fit their boats for fiſhing, and other neceſſary roomes to ſalt and dry their fiſh on, whereby much time is loſt, and Victualls conſumed to no purpoſe, and thereby alſo the voyages of the after commers are often greatly hindered and prolonged, to the generall hurt of the common-wealth: and the mariners themſelues which commit thoſe great abuſes are thereby alſo much wronged, as themſelues may conceiue.

Wherefore if ſuch as henceforth aduenture to that countrie, take ſome better courſe in that trade of fiſhing than heretofore they haue vſed, they ſhall finde the greater ſafety of their aduentures, and much good thereby. For whereas heretofore they haue vſed to make ready their ſhips to ſaile in thoſe voyages in ſuch vnſeaſonable time of the yeare, whereby they often receiue ſuch hinderances and loſſes, they need not then to go in the ſaid voyage vntill the fiue and twentieth day of March, which is a fit time of the yeare to put forth to ſea from our coaſt to that countrie, the Winter ſtormes beginning then to ceaſe: and then any ſuch ſhip which carries in her thirtie men in euery voyage, may well leaue ſix men there behind them, or more all the Winter ſeaſon, vntill the ſhips returne to them againe; and theſe ſix mens victualls will be ſaued and ſerue to better vſe, and thereby alſo cut off that moneths ſetting forth in thoſe Voyages ſo ſoone in the yeare as now men vſe to do; and then the victualls for that moneth (which is ſo vainely, and with ſuch great danger conſumed) may well maintain thoſe men which are left in the countrie all the Winter ſeaſon, till the ſhips returne to them againe, with a very ſmall addition to it.

Benefits ariſing by reformation abour fiſhing.

And it may be thought reaſonable, That men which will vndertake to ſettle people in New-found-land, ſhall haue this priuiledge, that in caſe he leaue there a fifth perſon (of ſuch as he carries thither in his fiſhing voiage) to inhabite, whereby thoſe men ſo left might keepe a certaine place continually for their fiſhing and drying of it, whenſoeuer their ſhip arriueth thither: then would all ſuch as leaue people there, build ſtrong and neceſſary roomes for all purpoſes, and then in ſome neceſſary houſes and roomes they may put their fiſh when it is dried; which fiſh now ſtandeth after ſuch time it is dried, vntill it is ſhipped (which is commonly aboue two moneths) in great heapes packt vp vncouered in all the heate and raine that falleth, whereby great abundance of good fiſh is ſpoiled yearely, and caſt away for want of ſuch neceſſarie roomes. And for the want of ſuch fit houſes ſome mens Voyages haue beene ouer-

Conuenient priuiledges to be granted.

throwne;

thrown; and then a meane place to make fiſh on will be made more commodious than the beſt place is now, that men ſo dangerouſly and deſperately run for euery yeare.

And thus euery mans fiſhing Pinnaces may be preſerued in ſuch perfect readineſſe, againſt his ſhip ſhall yearely arriue there againe; which Pinnaces are now often loſt, and ſometimes torne in pieces by the firſt arriuers there, very diſorderly: and if ſuch Pinnaces, Stages, and Houſes may be maintained and kept in ſuch readineſſe yearely, it would be the moſt pleaſant, profitable and commodious trade of fiſhing that is at this time in any part of the world.

For then euery Ships company might fall to fiſhing the very next or ſecond day after there arriuall, whereas now it is twentie daies before they are fitted; and then ſuch ſhips ſhould not need ſo ſoone to haſt away from England by one moneth, at the leaſt mens liues might be thereby much the better ſaued, leſſe victualls waſted, and many dangers preuented. And ſo euery ſhip in euery ſuch Voiage, may gaine quickly one hundred pounds, that vſually carry in her but twentie men more than now they doe, by leauing of foure men there of twentie. And as the proportion before named holds, for leauing ſix men in New-found-land of thirtie; ſo the allowing of men to be made proportionably from euery Ship, wil ſoon raiſe many people to be ſettled in euery harbour where our Nation vſeth to fiſh, and in other harbours in other Countries in like manner, ſome ſhips by this courſe may then quickly gaine two hundred pound, and ſome three hundred pound and more, according to their greatneſſe, more than they do yearely now; and thoſe men ſo left will manure land for Corne, ſaw boords, and fit timber to bee tranſported from thence, and ſearch out for diuers commodities in the countrie, which as yet lie vndiſcouered: and by ſuch meanes the land will be in little time fitly peopled with diuers poore handie-crafts men, that may be ſo commodiouſly carried thither with their wiues: and that no man elſe ſhould appropriate to himſelfe any ſuch certaine place, and commoditie for his fiſhing voiage, except hee will in ſuch manner ſettle a fifth part of his companie there to liue. And then ſuch aduenturers thither will carefully prouide yerely for ſuch as they leaue there, not onely for bread and victuals, but likewiſe for all neceſſarie tooles fit for any kind of husbandry. And the charge thereof will yearely repay it ſelfe with the benefit of their labours that ſhall be ſo left there, with great aduantage.

An eaſie way for plantation.

By this meanes will ſhipping increaſe, men be imploied, and two voiages may be made yearely, and much victuall ſaued: for the allowance of victuall to maintaine ſix men to carrie them and recarrie them outwards and homewards, is ſix Hogſheads of Beere, and ſix hundred weight of Bread, beſides Beefe and other prouiſion: which men as they ſaile too and fro (as now they vſe) do little good or any ſeruice at all, but peſter the ſhip in which they are, with their Bread, Beere, Water, Wood, Victuall, Fiſh, Cheſts, and diuers other trumperies that euery ſuch ſix men doe cumber the ſhip withall yearely from thence, which men are to be accounted vnneceſſarie perſons returning yearely from thence.

But being left in the countrie in manner aforeſaid, the places of theſe ſhips which by them ſhould haue beene preoccupied, may be filled vp yearely with good fiſh, and many beneficiall commodities; and the men ſo left in the Countrie, will not onely be free from the perils of the Seas by not returning yearely, but will liue there very pleaſantly, and (if they be induſtrious people) gaine twice as much in the abſence of the Ships, more then twelue men ſhall be able to benefit their maſters that are kept vpon Farmes, and that yearely; for the fertilitie of the ſoile is admirable, repleniſhed with ſeuerall wholeſome fruits, herbes, floures, and corne, yeelding great increaſe; the ſtore of Deere, of Land fowle and Water-fowle is rare and of great conſequence; as alſo many ſorts of timber there growing, with great hope of Mines, and making of Yron and Pitch.

The fertilitie of New-found-land.

Furres may be procured not only by taking the beaſts, but by ſetling) in proceſſe of time) a traffick with the Sauages for their Furres of Beuer, Martins, Seale, Otters, and many other things. Finally, the rockes and mountaines are good for ſeeds, roots, and vines; and the Climate is temperate, ſeeing the greateſt part thereof lieth aboue three degrees

degrees neerer to the South than any part of England doth; which hath alſo moued me to write the ſaid commendations of New-found-land, by the affirmation made vnto me by the ſaid Captaine, to the end all Merchants might further this intended Plantation, whereby the fiſhing trade may be much aduanced, and the fiſh it ſelfe become more vendible, which ſhall be prepared by the inhabitants of the perſons to be left there. For it is well approued by all thoſe that yearely fiſh for Herrings, Cod and Ling, that Salt orderly boyled doth much better preſerue fiſh, and keepeth more delightfuller in taſt, and better for mans body, than that fiſh which is preſerued with any other kinde of Salt, as is now due for want of conuenient houſes to boyle and prepare the ſame, yet may be done by the ſaid Plantation. But this being a matter depending thereupon, I am now to intreate of the fiſhing trade more in particular in the next Chapter, ending thus concerning Plantations, whereby Princes dominions are enlarged for their honour and benefit alſo.

Salt boyled to preſerue fiſh.

CHAP. XLVIJ.

Of the Fiſhing Trade.

SOme men may wonder, and not without juſt cauſe, That this moſt important argument of Fiſhing hath not beene handled hitherto. But in truth my meaning was not to haue touched the ſame, becauſe of the neglect of it in the Kingdomes of Great Britaine, and Ireland, where the ſame is abandoned to other Nations: howbeit vpon better conſideration) calling many things to minde) I found that it would haue beene a great error to paſſe ouer the ſame with ſilence, and to omit the Cuſtomes of Merchants therein, as the fundamentall cauſe of the Trafficke and trade of diuers Nations, whoſe great wealth hath proceeded from the ſame. For it hath pleaſed Almighty God, to extend his bleſſings herein, more than in all other things created: for when God ſaid to the earth, *Let it bring forth Trees and Plants:* and for Fowles created out of the Seas, *Let the Fowle fly in the open firmament:* and of Cattle, *Let the earth bring forth the liuing thing according to his kinde:* He ſaith of Fiſhes in a peculiar phraſe, *Let the waters bring forth in abundance, euery thing that hath life*; and willed them to increaſe and multiply and to fill the waters, which was the cauſe that the Prophet *Dauid*, being rauiſhed with admiration, ſaith; *O Lord, how manifold are thy workes, in wiſdome haſt thou made them all, and the earth is full of thy riches: ſo is the great and wide ſea alſo, wherein are things creeping innumerable, both ſmall and great beaſts.* The earth is full, but in the ſea are innumerable. Of the beaſts of the earth the learned haue obſerued, That there be ſcarce 120 ſeuerall kindes, and not much more of the fowles of the ayre: but no man can reckon the ſeuerall kindes of the creatures of the ſeas, or can number any one kinde. This ought to ſtirre vs vp to eſtabliſh the fiſhing trade, eſpecially for Herrings, Cod, and Ling, which tooke his originall from vs: for it is not much aboue one hundreth yeares ſince that one *Violet Stephens*, and other diſcontented Fiſhmongers departed the realme of England, and went into Holland, to the Towne of Enchuſen, where they procured the inhabitant to fiſh for them in the ſeas, ſtreames, and dominions of Great Brittaine: which inhabitants (vpon the deceaſe of the ſaid Engliſhmen) tooke the whole trade to themſelues, which afterwards hath beene diſperced into many other Townes, whereby the trade is ſo increaſed, that Holland and Zealand haue aboue 2000 Buſſes or Fiſhing Ships, which do make ordinarily two or three Voyages yearely, albeit their Countrey is remote from our Seas; and England, Scotland and Ireland haue the

Gen. 1. 20. 21.

Pſal. 104.

Scaliger, Bodin, Cardan, and others.

Originall of the fiſhing Trade.

fiſhing (as it were) at their doores. And ſuch is the bleſſing of Almighty God, that aboue ſix hundreth thouſand Laſts of fiſh are taken yearely in the dominions of the King of Great Brittaine only, omitting the quantitie of fiſh taken in Denmarke Seas, Ruſſia, New-found-land, Spaine, Italy, and other dominions.

That fiſhing is lawfull, feaſible, and profitable.

And here I am to make a little abridgement of the collection of one *Tobias Gentleman*, a Fiſher-man, who made a treatiſe touching the ſame, intituled *Englands way to winwealth, and to imploy Ships and Mariners*, prouing firſt, the lawfulneſſe of it by his Majeſties ſubjects of Great Brittaine; ſecondly, How feaſible it is for them by the exemplarie actions of other Nations, that haue nothing growing in their owne land for that vſe, but are conſtrained to fetch all out of other Countries; laſtly, That the trade of fiſhing is profitable, by the ſucceſſe ſeene with the Hollanders being rich and opulent, notwithſtanding their long warres, and which themſelues doe call to be their chiefeſt trade and principall Gold-mine, whereby many thouſands of their people of trades and occupations are ſet on worke, maintained, and do proſper, as may be ſeene by their Proclamation annexed to the ſaid Treatiſe.

Proclamation of the States of the vnited Prouinces.

Hereupon he ſheweth, That about Midmay they make ready their Buſſes, and Fiſher-fleets, and by the firſt of Iune (their Stile) they are ſeene to ſayle out of the Maſe, Texell, and the Vly, a thouſand ſayle together for to catch Herrings in the North Seas, being moſt of them ſhips of 120, or 100 tunnes, and the other 60 tunnes or thereabouts; hauing in them 24 men, and ſome 16 and 20 in euery ſhip; and they continue their courſe North-Weſt and by North, vntill they arriue at the Iſle of Shotland, which is the dominion of the K. of Great Brittain, and the greateſt Iſland of the Orcades, and lies in the height of 60 degrees of Northerly latitude. And by the 14 day of Iune (which is by their Law a time limited to lay their nets) they begin to fiſh, and doe neuer leaue the ſkoales of herrings, but come along amongſt them, following 500 miles in length, lading their ſhips twice or thrice before they come to Yarmouth, ſending them away by the Merchants ſhips that ſend them victuals, barrels, and more ſalt and nets if they need any; which ſhips are called Yagers, that is to ſay, Hunters or Doggerbotes, and theſe Ships doe carry them, and ſell them in the Eaſt-Countries, ſome to Riga and Reuell, ſome to the Narue, Ruſſia, Stockholme, and all Poland, Pruſſia, Pomerland, Lituania, Statin, Lubek, and Denmarke: returning Hemp, Flax, Cordage, Cables, Iron, Corne, Soap-aſhes, Wax, Wainſcot, Clapbord, Pitch, Tar, Deales, Hoopes, and other commodities, with plenty of money; and for France, they ſend for Burdeaux, Rochell, Nantes, Morliaix, and San Mallous, Cane in Normandie, Roan, Paris, Amiens, and all Picardie, and Calice, with the Low-Countries of the Archduke of Auſtria, reconciled with the King of Spaine, returning other commodities and monies for the prouenue of their fiſh. For by their lawes all thoſe Herrings that they do catch in Yarnmouth ſeas, from Bartholomew-tide vntill Saint Andrew (which are Rope-ſicke) they may not bring home into Holland; and theſe they ſell vnto Yarnmouth men for ready money.

The ſcituation of Shotland Iſle.

Places to ſell Herrings.

Their fiſhing for Cod and Lings continually is done with ſmaller ſhips (of 40 tun burthen) called Pinkes and Welboats, and all this is done with ſo good order and prouiſion, that by night and day all is ſupplied, and the fiſh taken off inſtantly. And of mine owne knowledge, they are ſo conſtant in their fiſhing, that they are contented to haue one good yeare for fiſhing in ſeuen yeares. All fiſhermen are prouided for, and their wiues at home cannot want; for in their care, they may be compared to *Ioſeph* in Ægypt, prouiding for the time of famine.

Good orders in the fiſhing trade.

They haue beſides all this (continually in the ſeaſon) another fleet of Fiſher-men (called Flyboats) which are in number ſome two hundreth or more, and theſe be at the North-Eaſt of Shotland, hauing ſmall boats with them, called Cobles, and by meanes of them Lings are taken in great abundance, which they doe not barrell, but ſplet and ſalt them in the ſhips bulke. To ſay nothing of freſh Fiſh, and other pretty obſeruations of the ſaid *Tobias Gentleman*, let vs note the commodious fiſher-townes of England, as Colcheſter, Harwich, Orford, Alborough, Donwich, Walderſwike, Sould, Yarnmouth, Blackney, Wels, Linne, Boſton, and Hull by him named; whereuhto

Commodious townes for Fiſhing in England.

unto I may adde Scarborough, Harlepole, Whitby, Marske, Stockton, Gysborough, New-caſtle, and other places in the North. And it is to be much admired, that this trade hath beene ſo long neglected: howbeit ſome are of opinion, That it would hinder much to the trade of cloth, if fiſhing were entertained, eſpecially in the returne of our commodities, and that the priuiledges granted to diuers ſocieties (as the Merchants Aduentures, Eaſt-land, and Ruſſia Merchants) ſhould be infringed thereby, and ſo both trades cannot ſubſiſt together. The first obiection to the fiſhing trade.

Others ſay, That other nations are more painefull and induſtrious than we can be, and haue more skill in the cutting, packing, and ſalting of the fiſh; and which is more, they can ſend away their Fiſh (and pay no fraight) by their ſhips going (otherwiſe) empty for corne and ſalt; for they pay but foure ſhillings for a Laſt, which is drinking money. And the Hamborgers hauing heretofore imitated the Hollanders to fiſh with Buſſes for Herrings, after 5 or 6 yeares triall, haue beene compelled to abandon the fiſhing, and ſuffer their ſhips to lie by the wall rotting, becauſe they found a loſſe, and that the Hollander did outſell them, hauing the better and cheaper fiſh; and the like would befall England, as ſome haue already found. The ſecond obiection.

To theſe two obiections, The one being Domeſticke, and the other forraine, I make this anſwer; which is referred to the iudicious Reader.

That the trade of cloth ſhould be hindered by the fiſhing trade, is not probable, being a diſtinct commoditie which ſerueth for the belly, and the other for the backe, and both are ſold by vs and other nations in one or more places, and we both make our returnes homewards by commodities, money, and exchange for monies by Bills, ſo that the difference of the perſons maketh not any ſollid argument: for if we returne commodities for commodities, and they returne monies, we may returne both the one and the other, hauing meanes more than ſufficient to maintaine the trades, conſidering the great ſummes of money deliuered at intereſt, although the money *in ſpecie* be wanting, which by theſe meanes would be ſupplied. And concerning the priuiledges granted to ſeuerall ſocieties, it will be eaſie to reconcile them by good orders to be obſerued in the fiſhing trade; wherein all men of ſeuerall companies may participate, and the generall good is alwaies to be preferred before the particular, and that ſocietie which is againſt the common good ought not to be admitted or continued for any priuate reſpect. Anſwere to the first.

To the ſecond obiection, that other nations are more painefull and induſtrious, and haue more skill in the cutting, ſalting, and packing of fiſh, and pay no fraight for the tranſportation of their fiſh: Suppoſe it be ſo as you ſay for the preſent, yet you cannot deny but that the ſame may be amended by vſe and Cuſtome, ſeeing our people can endure all climates and hardineſſe as well as others, and by good orders and gaine may be allured to vndertake labour and paines, when want breedeth induſtry, and gaine is like a ſecond life. Anſwere to the ſecond.

The managing to make fiſh more merchantable and vendible, may be learned of others in time, and for wages men will be procured that ſhall teach others; we know that the Prouerbe is true *Omne principium graue.* The like may be ſaid touching the fraight of ſhipping, which in proceſſe of time may be had in the ſame manner, if the coaſt Townes of England were made and appropriated to be the Ware-houſes or Magaſins for the groſſe commodities of thoſe Countries where the Herrings are ſold: For the ſcituation of England is farre more commodious to ſend away the ſaid commodities for all other Countries, and in diuers places at all times and ſeaſons of the yeare; when their Countries are frozen for many moneths together, or want many times winde and weather to performe their Voyages, which was the cauſe that the Hamburgers could not conueniently continue their fiſhing trade, as is alledged.

Hauing anſwered ſufficiently (as I hope) the two maine obiections againſt the fiſhing trade, let vs now examine the benefit of it, by the calculation made by the ſaid Gentlemen. Now to ſhew truely, ſaith he, what the charge of a Buſſe will be, with all her furniture, as Maſts, Sailes, Anchors, Cables, and with all her fiſhers implements and appurtenances at the firſt prouided all new, is a great charge, ſhe being betweene The whole charge of a Buſſe.

thirtie and fortie Laſt, will coſt fiue hundreth pounds, and may continue twentie yeres with ſmall coſt and reparations: but the yearely ſlite and weare of her tackle and warropes, with her nets, will coſt eightie pounds.

And the whole charge for the keeping of her at ſea, for the whole Summer or three Voyages, for the filling of a hundred Laſt of caske or barrels.

	£		
100 Laſt of barrels	72	A hundred Laſt of barrels filled and	
For ſalt 4 moneths	88	ſold at 10 pounds the Laſt, is 1000 £	0 0
Beere 4 moneths	42		
For bread 4 moneths	21		
Bacon and butter	18	The charge deducted	335 0 0
For peaſe and billets	6	Gotten	665 0 0
For mens wages 4 moneths	88		
	335		

The profit of one Buſſe.

Here (ſaith hee) plainely appeareth, that is gotten 665 pounds in one Summer; whereof, if that you do deduct one hundreth pounds for the wearing of the ſhip, and the reparations of her nets againſt the next Summer, yet ſtill there is 565 £ remaining for cleere gaines by one Buſſe for one yeare, rating the Herrings ſold but at ten pound the Laſt, which is commonly ſold by the Hollanders at Danske for fifteene and twentie pounds.

Of a Pinke.

The charge of a Pinke of eighteene or twentie Laſt, making fifteene Laſt of barrell fiſh, he accounted accordingly to coſt 260 £, and the prouiſion and wages to be for two moneths 57 £, and the Laſt ſold at 14 £ 8 ß, or 24 ß the barrell, there is reſting gaine for fifteene Laſt of Barrell fiſh, 158 £.

He hath noted moreouer, that beſides the Hollanders, the French-men of Picardie haue alſo a hundreth ſaile of fiſhermen onely for Herrings, on his Majeſties ſeas euery yeare in the Summer ſeaſon, and they be almoſt like vnto Buſſes, but they haue not any gagers to come vnto them: but they do lade themſelues, and returne home twice euery yeare, and finde great profit by their making of two Voyages yearely.

Exhortation for the fiſhing trade.

And hereupon hee concludeth with an exhortation to all noble, worſhipfull, and wealthie ſubjects, to put too their aduenturing and helping hands for the ſpeedie launching and floating forward of this great good common-wealth buſineſſe, for the ſtrengthning of his Majeſties dominions with two principall pillars, which is, with plenty of coine brought in for fiſh and Herrings from forraine Nations, and alſo for the increaſing of mariners, againſt all forrein inuaſions, and for the bettering of trades, and ſetting of thouſands of poore and idle people on worke.

But now returning to the lawfulneſſe of fiſhing, wherein we are to obſerue, That albeit hunting, hawking, and fiſhing be of one kinde, as ſubject to a like law and libertie, becauſe that any wilde beaſt, fowle, or fiſh being once taken by any man, commonly it becommeth his owne proper by the law of nations; yet there is a difference betweene theſe three: and although hunting and hawking be almoſt euery where lawfull, yet fiſhing is forbidden in other mens ponds, ſtankes, and lakes, as comparable vnto theft.

¶ *Statute Lawes of England, Scotland, and Ireland, concerning fiſhing.*

THe ſeuerall Statutes of theſe Kingdomes haue eſtabliſhed good orders concerning the fiſhing trade, whereunto relation may be had, containing in ſubſtance, the ordinances to build ſhips and boats, and appointing of certaine times for fiſhing, and then onely to fiſh, vpon paines not onely of forfeitures and fines, but death alſo, according to the manner of offence made, and contempt of thoſe decrees and ordinances.

Prohibiting (for the increaſe of fiſhes) the making, ſetting and vſing of crowes, yarres,

yarres,dams,ditches,tramlets,parkings,dyking in any waters where the ſea ebbes and flowes: and albeit ſome are permitted to lay nets, and to make weares, yet muſt hee keep the Saturdaies ſlop,that is, to lift the ſame from Saturday in the afternoone vntill Munday. And he is to make each ſpace or meſh of his nets three inches wide, except for taking of Smelts, and other fiſh which will neuer be bigger, and the ſame is to be ſet vpon the water, that the midſtreame may haue the ſpace of ſix foot wide, vpon paine of fiue pounds.

The priuiledges of fiſhers.

And concerning the fiſhers ſafety and priuiledges,it is prouided,That all ſhips ſailing to catch Herrings, ſhall (during the taking of them) let downe ſayle after daylight is paſt,and let their Anchor fall, and keepe watch with lanterne and light vntill the day light appeare,leaſt otherwiſe the poore fiſhers ſhould be ouerrunne, and their nets broken.

It is alſo prouided, That fiſhers ſhall not hurt one another, and the meaſnre of their nets are limited in length and breadth: and alſo that no drag-net be ſet before March, nor vpon deeper water than fourteene fathome.

Alſo that they ſhall be honeſt and true,and not lie to their neighbours,being asked concerning the length and depth of their ropes or tewes when they are in driuing;neither ſhall they wittingly or willingly ſuffer their tewes to flit and run ouer one another, vnder paine of ten pounds for euery offence.

That till Sunne ſet on Sunday, no man lay nor hale nets or great lines, or exerciſe any labour,vpon paine as aforeſaid.

Lawes of Scotland for fiſhes taken.

And for the incouraging of fiſhers in the North and Weſt Iſles of Scotland, there is a Statute prohibiting all exactions to be taken of them, but onely the Kings Cuſtome,vpon paine to be found a manifeſt oppreſſor. And concerning Fiſhers and dealers or traffickers with fiſhes; it is alſo ordained, That not only all fiſh ſlaine and taken neere to the coaſt of Scotland be brought to the market places,where the taker dwelleth, or the neereſt place thereunto, but alſo all the fiſhes taken in the North, or Weſt Iſles,or Forts,to be brought directly to the towns where the Fiſhers dwel,to the end the countrey be firſt ſerued and the fiſh offered to the market places, from which none may carry them to pack & pile,but only between the houres of eleuen and two in the afternoone,vpon paine of forfeiture of the ſame. In which markets it is lawfull to the Prouoſt and Bailiffes to ſet downe prices, and to compell the Packer and Piler to ſell againe for the need of the ſubjects; which being done, they may tranſport the remainder where they will: and if they commit any contempt, then their fiſh is forfeited, two parts to the King and the third to the Magiſtrate.

Barrelling of fiſhes.

In like manner concerning the barrelling of fiſhes, it is ordained that the meaſures preſcribed of old ſhall be kept,namely,each barrell of Herrings, or of white fiſh, to be of twelue gallons; and the barrell of Salmon of fourteene gallons, according to the meaſure of Hamborough, vpon paine of forfeiture, and fiue pounds to be leuied from the Cooper, and therefore hoop yrons to be made in each towne for the triall and gaging thereof. All which concerneth the Law of Merchants, and the particular knowledge of euery one of them.

The fiſhing of New found-land.

Let vs now remember in this place the fiſhing of New-found-land, and the Whale fiſhing, with the profit and commodities of the ſame, as they are obſerued by the aforeſaid Captain *Whitebourne*,who affirmed vpon his own knowledge, That the French, Biſcaines,and Portugals, can make two voyages yerely to New-found-land,with 400 ſayle of ſhips,and get thereby an incredible wealth; beſides Engliſh ſhips,whereof he ſaith, That in the yeare 1615,there was 250 ſayle of ſhips great and ſmall,the burthens and tunnage he eſteemed to be one with another 15000 tunnes, at 60 tunnes, and 20 men and boyes to euery one; therein were imployed aboue 5000 perſons, by whoſe meanes there was taken by euery ſhip, aboue ſixſcore thouſand fiſh, and fiue tunnes of Trayne oyle,which being brought into England, France, or Spaine, and ſold after the rate of foure pounds for euery thouſand of fiſh, and 120 fiſhes to the hundred, will amount to ſix ſcore thouſand pounds,which is not aboue one penny a fiſh. The Trayne oyle amounting to 1250 tunnes, at 12 ℔, amounted to 15000 pounds; ſo the totall

ſale

ſale was 135 thouſand pounds, omitting to reckon the ouer-prices, which were made and gotten by the ſale thereof in forraine countries. The conſideration (that all this and the like wealth procured by fiſhing, is done by the labour and induſtrie of men, with exportation of money and exchange, or other Commodities to be commuted or bartred for them) is worthy the obſeruation, and by the trade of it moneyes are to be had plenteouſly, and all forraine commodities alſo, to the inriching of Commonweales, where many numbers of people are ſet on worke and relieued; as Bakers, Brewers, Coopers, Ship-wreights, and Carpenters, Smiths, Netmakers, Ropemakers, Linemakers, Hoopemakers, Pullymakers, and many other trades to make the neceſſarie prouiſion of the fiſhing Voyages; wherein the lame, impotent, and all poore people may haue imployment for their maintenance.

Neceſſary points to be conſidered touching the fiſhing trade.

Touching the Whale fiſhing, eſpecially in Greene-land, for the making of Traine oyle; the ſame is much augmented by ſeuerall Nations, ſince that the Biſcayners and Bayoneſes haue taught the maner of taking of them, caſting harping yrons into their vnweldie great bodies, when they are on ſhore for want of water, otherwiſe very nimble in the Seas: For they haue a great feeling, and their fleſh is viſcoſite or oylie, apt for ſwimming, and as ſoone as the harping yrons haue ſtrucken them, they runne towards the bottome aboue a hundreth fathomes deepe, as the lines (which are faſtened thereunto) will giue way. So that ſometimes it will bee aboue two houres before they come vp (being ordinarily aboue twentie foot in length) and then being hoyſed vp to the ſterne of the ſhip, the fleſh is pared off, and ſwimmeth vpon the ſeas, and the rumpe of the body is letten fall againe, and then the fleſh boyled, and preſſed, maketh Trayne oyle, which yeeldeth good benefit, if the Voyage be not ouercharged by expences. For preuention whereof, let vs note the proportion for the victualling of fifty men for eight moneths, of a ſhip of 200 Tunnes, and caſt Merchants or Fiſhermens account accordingly, for the greater or leſſer number of perſons, or the longer or ſhorter time of victualling, more or leſſe alſo in price, 50 men are 12 ½ Meſſes, being foure to a meſſe by diſtribution.

Greene-land fiſhing.

The manner of Whale ketching.

A proportion for victualling of ſhips.

	£.	ß.	d.
Bisket a pound p day to a man, is 120 quintals, at 9 ß	47	16	●
Syder and Beere, one hogſhead a day, with caske yron bound, 12 tuns, at 50 ß, and 48 tuns caske, at 20 ß, more 25 tunnes of Beere, at 50 ß, and 35 tuns Syder, at 50 ß is	180	0	●
Water caske new, and yron bound 10 tunnes, at 45 ß	22	10	0
Beefe two pound p day, is 100 £ weight for three dayes a weeke, is in all 96 daies, and 8500 and 3 quarters, at 26 ß the hundreth, is	111	0	0
Caske yron bound, 500 weight in a Hogſhead repacked, and Salt	12	0	0
6000 New-found-land fiſh, at 4 £ 10 ß with the caske, is	27	0	0
24 Buſhels of Peaſe, 20 Buſhels of Oat-meale, two Barrels of Oyle	14	12	●
Butter ſix Firkins, Cheeſe ½ £ a day, Aquauite and Vinegar	60	0	●
Candels, Platters, Chirurgions Cheſts, &c.	65	0	●
	539	18	0

which ſaid ſumme of 539 £ 18 ß, amounteth about 28 ß a man for euery moneth, beſides the ſhips fraight and mens wages, which may be agreed vpon diuerſly. And commonly the Company is permitted to haue one third, the Owners of the ſhip one third, and the Merchant or Merchandiſe one third: all other incident charges to bee borne accordingly betweene them, whereof Indentures of couenants are made.

Hauing reſerued to intreat of this important buſineſſe of Fiſhing, in the end of this firſt part of *Lex Mercatoria*, concerning Commodities, which are compared to the

Body

Body of Trafficke, together with the Sea-Lawes obſerued therein, with all other Cuſtomes of Commerce: Let vs now proceed to the ſecond Part, touching Moneyes, being the Soule of Trafficke; which in times paſt were noted to be raiſed by the fiſhing trade (now ſo much neglected) appertaining to the Kingdomes of Great Brittaine, and Ireland, as hath beene ſhewed euen by originall Antiquitie. The correſpondence and long entercourſe betweene the Societie of Gold-ſmiths and Fiſhmongers alludeth hereunto: For Saint *Dunſtane* the Biſhop, termed to be the patron of the Company of Gold-ſmiths, had no other Elixer or Philoſophers ſtone, than the Gold and Siluer, which by the benefit of fiſhing was obtained, whereby the Kingdomes Plate and Bullion was procured. For the aduancement of which fiſhing Trade, he did aduiſe, That three fiſh daies ought to be kept in euery weeke, which cauſed alſo more adſtinence: and hence the Prouerbe came, That Saint *Dunſtane* tooke the Deuill by the noſe with his pinchers. Which Cuſtome, if it were better obſerued with vs, would proue very beneficiall to the State and Commonwealth.

The alluſion of Saint Dunſtane.

The End of the Firſt Part.

THE SECOND PART OF *LEX MERCATORIA*, OR THE Ancient *Law-Merchant*; concerning monies, compared to the Soule of TRAFFICKE and COMMERCE.

WEE haue already compared the three Simples or Eſſentiall parts of Trafficke, namely, Commodities, Mony, and Exchange of Monies, vnto the Bodie, Soule, and Spirit: And in our firſt part of *Lex Mercatoria*, treated of Commodities, as the Body of Trafficke, with the dependances thereupon, as being properly the cauſes of Commerce, with their Effects, Adjuncts, and Accidents: which method wee are now alſo to obſerue in this ſecond part of the Law-Merchant, concerning Monies, compared to the Soule, which infuſeth life vnto Trafficke by the meanes of Equalitie and Equitie, preuenting aduantage betweene Buyers and Sellers. And becauſe money is made of Mettals, whereof we haue not ſpoken in the Chapter of the Commodities whereby Commerce is maintained, here we are to begin

begin with the very originall of Mettals and Mines, as a matter worthy the knowledge of Merchants and others.

First we find, That when commodities began much to abound in the world, al manner of Mettall, as Gold, Siluer, Copper, Tin, Lead and yron grew into greater estimation, as being fit and more durable for preseruation; and so the purest and finest Mettall most esteemed. At which time the riches of men was notwithstanding described to consist of cattle, commodities, and other moueables: and there was a commutation of commodities, as hath beene declared, which was found to be very cumbersome, and did require much carriage of wares vp and downe from one country vnto another; by reason whereof Money was deuised to be coyned, to be the rule and square whereby all other things should receiue estimation and price, and (as it were) become a measure whereby the price of all things might be set, to maintaine a certaine euenhood or equalitie in buying and selling; and the same to haue his standing valuation onely by publike authoritie, to the end that all things might equally passe by trade from one man to another.

Pecuaria, non Pecuniaria.

The beginning of Moneyes.

Publica Mensuras

Concerning the denomination of Money, it is deriued of *Moneta*, which proceedeth *a monendo*, to shew you the name of the Prince; *vel nummi nota*, and consequently the price of the piece of coyne by his authoritie made, stamped and valued.

Denomination of Money.

Pecus fuit Pecuniæ fundamentum.

Pecunia is deriued a *Pecude*, of Cattell, as of Sheepe and Oxen, the figure whereof was coyned thereupon, *Nummus*, *à numerando*, *vel nomine*, of the name of the Prince stamped vpon it; and also so called, *Carolus* Guildren or Floren; so a ducat of *Ducatus*, the name of a Duke. And in times past being called *Stipendium*, was *à stipe & pendo*, before the same was coyned with a stampe, but made and weighed, being siluer, as the Cicle of the Hebrewes.

The Romans in times past vsed Copper Monies, calling their Exchequer *Ærarium*. So in Germany it is called *Argentarium* of the Siluer, and being kept at Strasbourgh, that citie is called Argentina. The first Siluer monies coyned was the 484 yeare of the foundation of Rome; And the coynes of Gold was sixtie and two yeares after that. Since the foundation of Rome vntill the yeare of 1622 are 2373 yeares.

Sterling Standerd altered in the valuation.

The Sterling Standard of the Monies of England, was first coyned at a place, so called, by *Osbright* a Saxon King of England, aboue seuen hundreth yeares since; at which time an ounce of Siluer was diuided into twentie pieces, and so esteemed twentie pence (as who should say) so many pieces, which so continued by denomination vntill King *Henry* the sixth his time, who in regard of the inhancing of Monies in forreine parts) valued the same at thirtie pence. But there was more pieces made out of the said ounce, and the former pieces went for three halfe pence vntill the time of King *Edward* the fourth, and then they were currant for two pence, and the said King did value the said ounce at fortie pence; vntill King *Henry* the eight did value the ounce of sterling Siluer at fortie & fiue pence, and so continued till King *Edward* the sixth, and vntill Queene *Elizabeth* her time, and then the very same piece, or the same penny was valued at three pence, and so did al threepences (coyned by the said Queen) weigh but a penny weight, and the sixpence to penny weight, and accordingly the shilling and other pieces, which made the ounce to be vnlued at sixtie pence or fiue shillings; whereof twelue ounces make the pound Troy weight, which remained diuided neuertheless in twentie penny weight; for the said ounce being still the same in weight did retaine the same name, and foure and twentie graines also for euery penny weight; and according to the said pound weight is the finesse of siluer also diuided. For if it be all pure Siluer without any Copper, called Allay, it is justly called twelue ounces, fine, because that pound waighed twelue ounces, and hath no mixture in it; and so euery ounce is consequently twentie penny weight in finesse, and euery penny weight is twentie and foure graines in finesse.

The pound Troy diuided by weight.

The pound of Siluer diuided in finesse.

Finesse of Gold.

The finesse of Gold is twentie and foure Carrats, and euery Carrat is foure graines in finesse, and was heretofore accounted two Carrats for an ounce of Siluer. And all monies of Gold and Siluer do participate of this finesse, according to their substance which maketh their standards thereafter, whereby the sterling standard containeth

eleuen ounces and two penny weight of fine ſiluer, and eighteen penny weight of copper: and our Angell gold holdeth 23 Carrats, 3 grains and one halfe, and half a grain of Allay, as ſhall be hereafter more amply declared, together with the proportion betweene Gold and Siluer.

Let vs now ſpeake of the properties of monies in the courſe of traffique, and make the effects thereof apparant. The properties of monies.

The firſt property is, That plenty of money maketh generally all things deare, and ſcarcitie of mony maketh generally things good cheape: whereas particularly Commodities are alſo deare or good cheape according to plenty or ſcarcitie of the Commodities themſelues, and the vſe of them. Mony then (as the bloud in the body) containeth the ſoule which infuſeth life: for if mony be wanting, traffique doth decreaſe, although commodities be aboundant and good cheape: and on the contrary, If Monies be plentifull, commerce increaſeth, although commodities be ſcarce, & the price thereof is thereby more aduanced. Nay, by mony a trade is made for the imploiment of it both at home and abroad: for thoſe countries where things are good cheape are deſtitute of trade, and want monies; and although things for the belly are good cheap, there is leſſe benefit to be made by merchants.

According to plenty and ſcarcitie of mony then generally Commodities become deare or good cheape, and ſo it came to paſſe of late yeres, that euery thing is inhaunced in price, by the aboundance of Bullion and monies which came from the Weſt-Indies into Europe; which like vnto an Ocean hath diuided her courſe into ſeuerall branches thorow all countries, and the money it ſelfe being altered by valuation as aforeſaid, cauſed the meaſure to be made leſſer, whereby the number did encreaſe to make vp the tale, being augmented by denomination from 20 to ſixty, or of thoſe later yeares from forty to ſixty. The Ocean of Monies.

So that plenty of money concurring herein made euery thing dearer, and eſpecially the forrein commodities, as we haue noted before; which cauſed ſome men to be of opinion, That our monies ſhould be more inhaunced as it were, ſtriuing therein to exceed other nations: wherein they are far from the marke, for if that were done, not only all the forrein commodities would be dearer, but alſo our home commodities, howbeit only in name. The like would happen if monies were by allay of Copper embaſed, as experience hath proued in the time of King *Henry* the eight, and of later yeares in the realme of Ireland: ſo that we ſee the prouerb to be true, *That the vnknown diſeaſe putteth out the Phyſitians eye.* The plenty of mony required muſt be, not with a conſideration that we haue, or may ſeeme to haue more money than in times paſt; but according to the preſent great quantitie and aboundance of monies now found in all countries, which in effect haue more proportionable part thereof than England hath. Neither was mony more plentifull when an ounce of ſiluer was valued but 20 pence (iudging of mony as we do of commodities, either deare or good cheape according to the price) for mony muſt be ſtill the meaſure, and ouer-ruleth the courſe of commodities. Howbeit exchange of monies is predominant ouer commodities and monies, as ſhall be declared hereafter. Alteration of Mony alters the price of things.

The ſecond propertie of money, proceeding from the operation of vſurie deuiſed thereupon, (whereby the meaſure is ingroſſed and alſo falſified) is, That the rate of Vſurie is become the meaſure whereby all men trade, purchaſe, build, plant, or any other waies bargaine, and conſequently all things depending vpon the premiſſes, are ruled and gouerned accordingly, as in the chapter of Vſurie politique is declared, to the decreaſe of traffique and trade. The operation of Money by the rate of Vſurie.

The laſt propertie of money is, To haue an internall value in ſubſtance, whereupon the exchanges of mony are grounded; inſomuch that in countries where the tranſportation of mony is prohibited, and Merchants ſtrangers and others are commanded to make their returnes in commodities, or by exchange, if the monies be baſe, or of Copper, the value in exchange will bee made accordingly, to the vtter ouerthrow of all commerce; for Monies will haue ſubſtantiall value. Monies will haue ſubſtantiall value really.

Thus much for an introduction concerninh Monies. Now let vs b eg inne from the originall of Mettals, and ſo deſcend to the particulars and accidents.

CHAP. I.

Of the Eſſence or Exiſtence of Mettals.

ALl Philoſophers, by the light of Nature and long obſeruation haue determined, That the ſperme or ſeed of all things, created of the foure elements, doth in a ſecret manner lowre within the two elements of water and earth; and that Nature doth continually worke to produce perfect things, but is hindered therein by accidentall cauſes, which are the begetters of corruption and imperfection of all things, whereby wee haue varietie of things which are delectable to the ſpirit of man. Herein they obſerue the operation of the Sun and Moone, and the other Planets and Stars, in the generation of all things which either haue a beeing or exiſtence, as the Elements haue; or a being and life, as vegitable Trees or Plants; or a beeing, life, and ſence, as Beaſts, Birds, and other liuing creatures; or a beeing, life, ſence, and reaſon, as Man hath, and all reaſonable creatures: which knowledge and wiſedome, no doubt, the holy prophet *Moſes* did learne amongſt the Egyptians. But had theſe Philoſophers read the Booke of *Moſes*, * of Creation and Generation, they would not haue aſcribed the guiding and conducting of all naturall things to the two Leaders, namely the Stars and Nature. Hence it proceedeth, that amongſt vegitable things (which haue a Beeing and life) they reckon all Mettals, which haue their beginning from Sulphur and Mercury, *tanquam ex patre & matre*; which meeting and concurring together in the veines of the earth, do ingender through the heate and qualitie of the Climat, by an aſſidual concoction, according to the nature of the earth wherein they meet, which beeing either good and pure, or ſtinking and corrupt, produceth the diuerſity of the Mettals of gold Siluer, Copper, Tin, Lead, and Iron, in their ſeuerall natures: and hereupon they haue aſſigned them vnder their diſtinct planets to be benevolent or malevolent; as Lead vnder *Saturne*, Tin vnder *Iupiter*, Iron vnder *Mars*, Gold vnder *Sol*, Copper vnder *Venus*, Quick-ſiluer vnder *Mercury*, and Siluer vnder *Luna*. So Mercury or Quick-ſiluer is one of the ſeuen mettals, which being volatile, and by his volubilitie running with euery one, is in nature as they are, either good or euill: and howſoeuer they haue placed Tin vnder the benevolent planet Iupiter, experience hath proued vnto vs that Tin is the poiſon of all mettals. Sulphur, is excluded, which they ſay is of two colours, being white and corrupt in the Siluer, which therefore falleth away, but red and pure in the gold, and therefore permanent.

Vegitatiue, Senſitiue, and Rationall.

Act. 17. 22. * Geneſis.

The Planets of Mettals.

Theſe diuerſities of mettals being come to paſſe by accidentall cauſes, is the cauſe that Art (being Natures Ape by imitation) hath endeauored to performe that wherein Nature was hindered: whereupon *Ariſtotle* ſaith, *Facilius eſt diſtruere Accidentale, quam Eſſentiale*: ſo that the Accidentall being deſtroyed, the Eſſentiall remains, which ſhould be pure.

But this cannot be done without projection of the Elixar or Quinteſſence vpon Mettals. Hence proceedeth the ſtudy of all the Philoſophers to make their miraculous ſtone, which I confeſſe is very pleaſant, and full of expectation, when a man ſeeth the true and perfect tranſmutation of Mettals, Lead and Iron into Copper, the Ore of Lead into Quick-ſiluer or Mercury, with a ſmall charge to a very great profit, as it hath been made for me, vntill the maker of it died, within three moneths after he had made

Tranſmutation of mettals.

made almoſt foure thouſand pound weight, as good as any natural Mercury could be, and that in ſix weekes time.

To returne to our Philoſophers, concerning the eſſence of mettals, they haue been tranſcended in the knowledge thereof, for they ſhew the generation of Sulphur and Mercury in this manner.

The exhalations of the earth being cold and dry, and the vapors of the ſeas beeing cold and moiſt, according to their natures aſcending and meeting in a due proportion and equalitie, and falling vpon ſome hilly or mountainous countrey, where the influence of Sun and Moon haue continuall operation, are the cauſe of generation; or properly from it is Sulphur ingendred, penetrating into the earth where there are veins of water, and there they congeale into Gold or Siluer, or into the Ores of Siluer, Copper, and all other mettals, participating or holding alwaies ſome little mixture of the beſt, or being in nature better or worſe according to the ſaid accidentall cauſes. So that they do attribute the generation to the operation of the influences of the Sunne and Moone; where the booke of God ſheweth vs the creation of all things in heauen and earth, and the furniture thereof. The earth (beeing the dry part of the globe of the world) did appeare and was made the third day, containing in it the ores of all Mettals and Minerals; whereas the Sun and Moone were created afterward on the fourth day, whoſe operation was incident to the things created, but not before. In like maner (ſay they) are Diamonds, Rubies, and other pretious ſtones ingendred, according to the puritie of the matter, and the portionable participation of euery element therein: if the exhalations (being ſubtill) doe ſuperabound and preuaile ouer the vapours, then hereof is Sulphur ingendred: and if this ſubtill exhalation be mixed with the moiſt vapors, and wanteth decoction, as being in a very cold place, it becomes Mercurie or Quick-ſiluer, which can endure no heate or fire at all.

The eſſence of Sulphur and Mercury.

Exhalations, Vapors, &c.

The firſt Mettal mentioned in the holy Scripture is Gold, which was found in the riuer Piſon, running through the garden of Eden into the countrey of Havilah, where Gold doth grow, and this was in the Eaſt. According to which obſeruation, all the veines of mines run from Eaſt towards Weſt, with the courſe of the Sunne, as ſhall be more declared.

Gen. 2. 11. Gold groweth

To this argument appertaineth the Philoſophicall ſtudy of *Prima Materia*, to bee found out by experience for the great work of *Lapis Philoſophorum*, by the operation of the Sun in ſeuen yeares. The practiſe whereof was made about forty yeares ſince, by a German Doctor of Phyſicke, at Danſick in the Eaſt countries (as I haue been informed by a friend of mine who was alſo a Phyſitian) and was done in this maner, according to the bigneſſe of the body of the Sun, being 166 times bigger than the whole Globe of the earth and water, making the circumference of the world. Whereupon he tooke 166 vials or glaſſes, wherein he did put of all the Ores of Mettals and Minerals, and other things which had any affinitie with Minerals, and ſome of them mixed, and calcined all of them, and cloſing or nipping vp all the glaſſes by fire, he did expoſe them to the Sun in an eminent place, for and during the ſaid time of ſeuen yeares, and found thereby (as it was reported) *Prima Materia*, which was reduced to ſeuen glaſſes; howſoeuer, it was certain that he grew very rich, and bought aboue an hundred houſes in that city before he died. Which was an occaſion that my friend (imitating him) did likewiſe place not far from London ſeuen glaſſes, with calcined mettals and Minerals, vpon a houſe top, againſt the backe of a chimney, where the repercuſſion of the Sun did worke vpon them, which was admirable to behold from ſix moneth to ſix moneths, not only by the ſublimation of colours, very variable and Celeſtiall, but alſo of the rare alteration of the ſtuffe, being ſometimes liquid, another time dry, or part of it moiſt, aſcending and deſcending very ſtrange to behold, as my ſelfe haue ſeene diuers times from yeare to yeare. Some had been there two, three, foure, fiue, and one almoſt ſeuen yeares, the colour whereof had been yellow, then white in the ſuperficies, then as blacke as pitch, afterwards darke red, with ſtarres of gold in the vpper part of the glaſſe, and at laſt of the colour of Orenges or lemons, and the ſubſtance almoſt dry. Many were the queſtions betweene him and me, but hee was confident that there was

Prima materia vel Mercurius Philoſophorum

The body of the Sun is 166 times bigger thã the whole Globe.

the Elixar,howbeit very doubtfull that hee ſhould neuer enioy the ſame; and it came ſo to paſſe,for after a long ſickneſſe he died of a burning Ague,and a Gentleman gaue a ſumme of mony to his wife for that glaſſe,whereof I haue not heard any thing theſe ſeuen yeares. In this glaſſe he would ſhew me the working of this quinteſſence, according to the deſcription of *Ripley*, who he was aſſured had the *Lapis*,and ſo had frier *Bacon*, and *Norton* of Briſtoll: *Kelley* had by his ſaying ſome little part to make projection, but it was not of his owne making. The charge to make it was little or nothing to ſpeake of, and might be done in ſeuen moneths, if a man did begin it on the right day. The twelue operations of *Ripley*,he declared vnto me were but ſix,and then it reſteth; for,ſaith hee,all Philoſophers haue darkened the ſtudy of this bleſſed Worke, which God hath reuealed to a few humble and charitable men. Calcination, Diſſolution, and Separation are but one, and ſo is Conjunction and Putrifaction; likewiſe Cibation and Fermentation; then followeth Congelation; and at laſt Multiplication and Projection, which are alſo but one. For myne owne part, ſeeing that no man can be perfect in any one ſcience, I hold it not amiſſe for a man to haue knowledge in moſt or in all things: for by this ſtudy of Alcumie, men may attain to many good experiments of diſtillations Chimicall,Fire-works,and other excellent obſeruations in Nature; which being far from Merchants profeſſion, I hope ſhall not giue offence to the Reader of this book, ſeeing it is but in one chapter accidentally handled. Neither will I craue pardon of the Muſes as it were,inſinuating to the world to haue a far greater knowledge in theſe trialls or concluſions. But to ſatisfie the curioſitie of ſome, that it may be with a gaping mouth expect to vnderſtand ſomewhat of the Stuffe put into theſe glaſſes; I may ſay as I was informed, That in ſome was the calcined Ore of Siluer and Gold,in ſome other Mercury calcined,and Sulphur in ſome other; Arſnike for the aire,Sulphur for the fire,Mercury for the water,and ſea-cole for the earth, were put all together as the foure elements. In ſome other Glaſſe was Vitriol and Orpiment,and what more I do not now remember; concluding, That where Nature giueth abilitie,Art giueth facilitie.

Lapis Philoſophorum.

Ripleys twelue gates.

I haue read all the bookes of *Paracelſus* that I could finde hitherto,and in his Booke *De Tranſmutatione Rerum* I do finde to this purpoſe the Obſeruations following, concurring with my friends opinion concerning *Ripleys* 12 Diuiſions, compriſed into ſix, and the ſeuenth is the matter it ſelfe, and the labour or working reſteth, wherewith I do end this chapter,and proceed to the ſurer ground of the Mines of Mettals.

Omne quod in Frigore ſolvitur,continet Ærum ſpiritum Salis,quem in ſublimatione vel diſtillatione acquirit & aſſumit.

Omne quod in Frigore vel Ære ſolvitur, iterum calore,Ignis coagulatur in Pulverem vel lapidem. Solutio verò Caloris, ſolvit omnia pingua & omnia Sulphurea: Et quicquid Calor ignis ſoluit: hoc coagulat, Frigus in maſſam, & quicquid calor coagulat, hoc ſoluit rurſus Æer & Frigor.

Gradus ad Tranſmutationem ſunt ſeptem.

Calcinatio,Sublimatio,Solutio,Putrifactio,Diſtillatio,Coagulatio,& Tintura.

Sub gradus Calcinationis comprehenduntur Reverberatio & Cementatio.

Sub Sublimatione, Exaltio,Elevatio,& Fixatio.

Sub Solutione,Diſſolutio & Reſolutio.

Sub Putrifactione, Digeſtio & Circulatio, qui tranſmutat Colores, ſeparat purum ab impuro: purum ſuperius, impurum inferius.

Sub Diſtillatione, Aſcentio,Lavatio,& Fixatio.

Coagulatio eſt duplex; vna Æris, altera Ignis.

Tintura tingit totum corpus,& eſt fermentum maſſæ, farinaceæ & panis.

Secundum eſt, Quod calidius liqueſcunt, eo celerius, Tintura tranſcurrit, ſicut Fermentum penetrat, & totam maſſam acetoſitate inficit,&c.

Sequitur Mortificatio & Fixatio Sulphuris, & in Libro de Reſuſcitatione Rerum: Reductio Metallorum in Mercurium vivum.

CHAP.

CHAP. ij.

Of Mines Royall.

THe Mines called Royal are only of Gold, Siluer, and Copper, of which three Mettals Princes haue made choice to make their Monies of, ſimple or mixed, as ſhall bee hereafter declared. But foraſmuch as Siluer is found in the Lead Mines, and that the Siluer Mines haue their Ores mixt with hard lead alſo, it hapneth many times that there are great queſtions about theſe Mines, when Princes will claime their intereſt in ſome Lead Mines, becauſe they are rich in ſiluer, as of late yeares between Queen *Elizabeth* and the Earle of Northumberland, as you may reade in Mr *Plowdens* Commentarie of Booke Caſes, where it was adiudged, That if a Mine bee found richer in ſiluer of more value within the Ore, than of Lead, all charges of the working of both mettals being fully payd, the Prince may claim the ſame to be a Mine Royal: wherein muſt be had great aduiſement, ſome Ore in one place being richer than other Ore in another place of the ſame Mine, whereof we may handle in his proper place of other Mines.

Beginning therefore with Gold the moſt pretious Mettal, let vs obſerue, That the ſame is found in hills, riuers, and in the earth, but not mixt in Ore, as Siluer, Copper, and other mettals. That which is found in the riuers is the fineſt, as containing leſſe corruption, and is all of one goodneſſe otherwiſe. There is Maiden gold, ſo called becauſe it was neuer in the fire. Naturally all Gold hath a little Siluer in it, as alſo ſome Copper, and comming out of the ground it is ſoft, and doth harden by the aire. Such gold as hath no need to be refined, but may be vſed according to his fineneſſe in works, or to make mony, is called *Aurum obriſon*: ſuch was the gold which Sir *Bevis Bulmer* Knight brought out of Scotland, found in the ſands of the riuers neere to the Gold Mines of Crayford Moore, which was aboue 22 Carrats fine, and better than the French crowne gold. I ſaw ſome 18 ounces of it which was in big graines, ſome like peaſe found out by the ſhepheards, by whoſe means that place hath bin diſcouered in the later time of Queene *Elizabeth*. Some other gold hath bin found out alſo in Scotland within a white ſpar, wherein it groweth, neere the ſuperficies of the earth, & runs into ſmall veins like pins, fit to be refined by quick-ſiluer from the ſpar, becauſe it is as pure gold as any found in Africa or Barbary, which we cal Angel gold, holding but half a grain of Allay. I haue ſeen the like ſpar of gold which was found in England in the county of Lincoln at Brickel hill neere Spilsby by Lincolne.

Gold Mines.

Crayford Moore in Scotland.

Brickell hill in England.

But neither this place or any other are look't into for the reaſons hereafter declared being right worthy to be regarded with a curious eie and an induſtrous vnderſtanding, and conſequently many other, whereof this monarchy of great Brittain is rarely bleſſed, and eſpecially Scotland, where much barren ground is: for God in his diuine wiſdome doth counteruaile the ſaid barrenneſſe of the ſoile, with the riches contained within the bowels of the earth, as in fertile ground with the corne and fruits growing vpon the ſuperficies thereof: which may ſerue vs for an obſeruation, eſpecially where we finde riuers of water running about the hilly places in dales, which the Spaniards did ſo much regard in the Weſt Indies, ſeeking after Mines, that in all places where they found not the ſame, they preſently gaue ouer the ſearch after them.

An obſeruation to find out any Mines.

Gold doth come out of many countries, as out of the mountains in Bohemia, riuers of Pannonia in Hungary, out of the kingdom of Sweden, but it is all exhauſted. There

was

was wont to come out of Spaine of the riuers and mountains aboue twenty thousand pound weight yearely, which is worth aboue 800000 pounds sterling; but there is none found now. In the Island of Santo Domingo all is exhausted also; and so will it bee in Perou, and the West-Indies: it is more like to continue in Africa and Barbary, because of the climate, albeit that Hungary in Pannonia lyeth vnder fifty and three degrees, and is a colder climat than ours, and neuertheless hath yeelded abundance of gold since the yeare 1527, vntill the yeare 1568, as by a certaine record appeareth, which was kept thereof. The King of Spaine was wont to haue from Castle de Mina (vpon the coast of Africa) about eighty thousand pounds worth euery yeare, which is now almost decreased to one halfe: and all along that coast, the Hollanders and the French Merchants complaine of the small quantitie now extant, or there to be found, to make returne of their commodities (Hides and Wax being not so plentifull as in times past.) Turky is hindered also to haue such quantity of Gold as in times past came out of Persia vnto them.

Cold climates haue abounded with Gold

Of the Gold of Ophir, we heare but a discourse of old obseruation; That *Solomon* had the Gold from that place to beautifie the temple of Ierusalem, and his pallace. This is held to be the Island of Sumatra or Taprobana, being the greatest of all the Orientall Islands, and is diuided from the firme land of Malacca by a strait and daungerous sea, by reason of many Islands and Cliffes that are within it. It lyeth vnder nine degrees on the South side of the line, which no doubt is very rich of Mines of Gold, Siluer, and Copper. The Hollanders did touch there in the first voyage they made for the East Indies, where the Inhabitants make excellent Brasse peeces, and are opulent in all things. But I neuer haue yet heard of any Gold brought from thence, neither from the Island of Iaua Maior, which lyeth right ouer the Island of Sumatra, on the South side of the Æquinoctiall Line, which may be, hereafter shall appeare; for out of all doubt mens treatures are hourded vp in Gold in many places. It is recorded that *Dauid* left in Gold (besides Siluer) 180 millions sterling, according to the calculation: But *Solomon* left behind him but one tenth part of that, namely eighteene millions.

Gold of Ophir.

The situation of Sumatra.

Siluer is alwaies found more abundantly, because of the number of Siluer Mines found in diuers countries, and for that all Lead Mines contain some Siluer, especially the poore Lead Mines, the Ore whereof yeeldeth but small quantitie of Lead, either 25 or 30 ℔ weight in one hundreth of Ore; and that Siluer likewise containeth some Gold, found sometimes to be three or foure ounces in one hundreth pound weight, besides the Copper in the Siluer ore.

Siluer Mines.

The Siluer Mines of Hungarie and Bohemia, as also Sweaden, are drawne out, but do continue in Germanie (in many places) which haue properly the Siluer Ore of the Celestiall colour, with fine grains glistring like little starres. In Saxony the Mines are richer: so are the Mines of the Seuerstall mountaines, which haue continually yeelded six or eight thousand pound weight a yeare, but are wrought vpon at leasure.

Seuerstall Siluer Mines.

The Mines in the West-Indies are the principall in quantitie of poore Ore, where many hands make light worke. For the King of Spaine doth diuide his grounds by proportion to his subiects to worke for him, allowing them money and Quicke-siluer to separate the siluer from the drossie substance, and they must pay him againe in siluer after a certaine rate; and were it not for the quantitie of Ore, the Siluer would be very little. For I am assured by the information of one *Don Rodrigo de Cordua* of the house of Toledo, a Knight who had liued in the West-Indies many yeres, and attended the great Mine of Potosie, That the Ore thereof containeth not aboue 1 ½ ounce of Siluer in a hundreth: the like was affirmed by a Portugall called *Antonio Diaz*, who had dwelt two and thirty yeres in the said West Indies. I was interpreter between our soueraign Lord *Iames*, and the said *Antonio*, when he made the triall of the Siluer Ore of Scotland in the Tower of London with Quick-siluer before the King, and did informe his Majestie hereof; as also that the best Siluer Mine that euer was wrought vpon in the West Indies, did not contain aboue eight ounces in one hundreth weight. The Mines in Germanie are farre richer: some containe thirtie and fortie ounces, that is to say, by the mixt mettall Ore, taking of it disquisitiuely, or here and there: for the blossome of

Potosie Mine of Siluer in the West-Indies.

Charles Mine in Missia.

of Siluer appearing in ſome branches is fine or better than ſterling, which therefore doth not proportionate the goodneſſe of the Mine; whereof more hereafter. Now leauing the Mines of the Earle of Mansfield, and others that are in Tirol and other places of Germany, we muſt not forget to giue the due commendation vnto the Noble Duke of Brunſwicke, that to his loſſe did maintaine the Siluer Mine of the Wilde-man or Savage, in his countrey, onely to ſet the poore people on worke, being indeed but a Mine of courſe Lead, whereof he had great ſtore, heretofore ſix hundred weight of Ore making but one hundred of Lead, and that hundred of Lead hath but 1 ½ ounce of ſiluer, whereof his Dollars are made; expreſſing the ſame by the Inſcription, which may very well bee aſſumed by many for their poſie, *Alijs inſerviendo conſumor*, As the candle doth, which by conſumption of it ſelfe doth giue light vnto others. The ſtamp of thoſe Dollars is a ſauage man, holding a burning candle in one hand, and the trunk of a tree in the other hand, and the Emperors armes on the other ſide.

Mines in the Duke of Browneſwikes countrey.

I cannot therefore without griefe diſcourſe of the ſiluer Mines of this Monarchie of great Brittain, and heartily lament to ſee them lie dead, and buried in obliuion, becauſe I haue heretofore ſought to aduance the working of them: for it is now about 14 yeares ſince I cauſed diuers workemen to come out of Saxonie, Brunſwicke, and other places of Germy, at my great charges, to the number of ſeuenteen perſons, ſome for the ſiluer Mines in the Biſhoprick of Dureſme, others for the lead Mines in Richmond ſhire in the county of Yorke, ſome for the Allome workes there alſo, and ſome for the making of ſteele in Wales, wherein the noble Lord *Eure* deceaſed and certaine London Merchants had vndertaken to proceed with me. The action being applauded by a great perſon then in authoritie, and now deceaſed, who promiſed all the fauor that he could do; but he had ſome other priuat deſignes herein, as he had alſo in the ſiluer ore of Scotland, wherof we are now to intreat: inſomuch that the actions of theſe two Lords were like vnto *Phaetons* horſes, for all was ſet into a combuſtion, and the poore men went begging homeward, to our exceeding great loſſe of the benefits in expectation, our Mines being richer than thoſe of the Weſt Indies, whereof I haue made and cauſed to be made many trials of aboue twenty ſeuerall ſorts of ſiluer Ores. The two ſiluer Mines of Muggleswike and Wardall at Dureſme containe ſix and eight ounces of Siluer in the hundred, which beeing fallen in, may with a reaſonable charge bee brought in working, according to the information which I tooke of the Inhabitants there, at which time I did intend to go further into Lancaſhire to Slaithborne Mine, holding aboue foure ounces of ſiluer in the hundred: but being in the Winter time, and the weather very foule, I was diuerted, not without diſcontent, becauſe it is the country where my anceſtors and parents were borne.

Siluer Mines of Great Brittaine.

Richmond ſhire.

Siluer Mines at Dureſme.

Slaithborne Mine in Lancaſhire.

The Siluer Mine at Combmartin in Cornwall holdeth ten ounces in the hundred, where Sir *Bevis Bulmer* did worke for a time, which is deep and ouerflown with water; but there are diuers branches of that Mine running many miles off ſpread in the earth, and within theſe two yeares ſome Ore was ſent me from Barnſtaple of a branch of that Mine, lying within one foot and a halfe of the ſuperficies, which vpon diuers trialls of one pound weight at once, holdeth by computation aboue ten ounces of ſiluer, but little Lead; for euery pound did produce aboue two peny weight of ſiluer, and is not difficult in the melting: the party in whoſe ground it is found will not haue it touched nor medled with, fearing his grounds ſhall be ſpoiled, and the Mine taken from him, which is knowne aboue halfe a mile of one foot broad. Howſoeuer, I thought good to remember this for our poſteritie, for there may come a time that induſtrous men ſhall be more regarded.

Combmartin in Cornewall.

Mines of ſiluer by Barnſtaple.

It were alſo injurious, if I ſhould not remember the ſiluer Mines of Scotland, eſpecially that Mine which lieth in the grounds of Sir *Thomas Hamilton* Knight, Lord Advocate of Scotland, within eighteene miles of Edenborough towards the ſea ſide, diſcouered in the yeare 1607, by meanes of a Collier, as I am informed. In the report of the goodneſſe of this mine hath been very great diuerſitie, according as they found the Ore of ſeuerall veines, as wee haue noted before; for the bloſſome of Siluer Ore, or the ſmall veines, cannot giue true direction of the riches of the Mine: Which

Siluer Mines of Scotland.

A ſingular good obſeruation.

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is the cauſe that the Spaniards in the Weſt-Indies, hauing found any veine of a Mine, they wil purſue the ſame towards the Eaſt and ſeek to finde out (as it were) the trunk or body of the Tree, which they call *Beta*, ſaying *Es meneſter ſiempre buſcar la Beta de la mina*, We muſt alwaies ſeeke after the body of the Mine; which may be ſometimes three or foure foot broad, when the veyns are like an arme or finger: and according to the triall made thereof they giue their iudgement, not by the triall of the ſubtle aſſay, but by ſome good quantity, and increaſing their trialls by ſome additements fit for the nature of the mettall Ore, as they iudge the ſame to be. For all diſeaſes cannot be cured with one remedy in al perſons, although the diſeaſe be alike; ſo may it be ſaid of thoſe that make trials of ores of mettals, for ſome trials did report 80 ℔ of ſiluer in 100 weight, others 60 ℔, 40 ℔, 35 ℔, & 20 ℔, and then it fell into ounces, which was more reaſonable and natural, as I informed then ſome Priuy Councellor, and the ſaid ſir *Bevis Bulmer*, whereupon it pleaſed his Majeſty, and the Lords of the Right honourable Priuy Councel, to appoint 10 tuns of the ſaid Siluer Ore to be brought into the Tower of London, whereof one tun of 2000 ℔ weight was indifferently taken and calcined or grinded together, and thereunto were two tuns of Lead added, commixed, and afterwards molten by a continuall fire, and hand-blaſt of foure men according as I haue noted in writing. And there was a cake of ſiluer remaining weighing 17½ ounces, and the extraction out of the Lead was ſome 4 or 5 ounces more; ſo that it was reported to be 22 ounces in the 100 weight of Ore, but the charge was great.

Triall of one tun of Ore by Sir *Bevis Bulmer*.

There was alſo another triall made by *William Beale*, with a farre leſſer quantitie of Lead, and roaſting the Ore; and by Mr. *Broad* and others, as Mr. *Ruſſell*, who refined the ſame with the ſlag of Lead; others by Lead Ore to ſaue charges, and they all found aboue 22 ounces of ſiluer in the 100 weight of ore. And ſo did Sir *Rich. Martin* Knight Maſter worker of his Majeſties Mint, lately deceaſed, who deliuered vnto me at times 20 ℔ weight of the ſaid Ore, grinded, ſhaddered and waſhed, which I did ſend beyond the ſeas vnto an expert Mint-maſter, and withall a particular of the manner of trialls which euery man had made here; as alſo the triall made by the Portugall with Quick-ſiluer, who found 23 or 24 ounces; his anſwer was, That vpon his firſt triall he found 42 ounces, and of the other leſſe, and that the Ore was eaſie to be wrought (but not by the means that all thoſe men had vſed) and with little charges; and that the manner to refine with Quick-ſiluer, was good for poor Mines of two or three ounces, where the ore had little or no Lead; and that the commixture of the Mine was very brittle, and Bel-mettall, and ſo did all the other refiners affirme. For the ſaid Ore doth looke between white and blew for the moſt part, and is like the Bell mettall found in good quantitie about Briſtoll, which is vſed to make ſome kind of Alkemy beyond the ſeas, and this muſt be allaied to qualifie the brittlenes with ſome mineral, of all which I haue made a record in my booke of Collections.

Colour of the Ore of Scotland.

Great quantity of Siluer Ore.

In the moneth of Auguſt 1608 there came two ſhips before the Tower of London from Scotland, laden with ſome 400 Barrells of this ſiluer Ore, in weight ſome 100 tuns lading, which were there landed and deliuered vnto the Lord *Knyuet*, Warden of the Kings Mint, whereof 20 tuns was taken promiſcuouſly & grinded, and afterwards alſo diſtributed vnto diuers refiners and others, and the triall of Mr. *Broad* was beſt, who found 28 ounces in the 100 of Ore. Of this quantity Sir *Richard Martin* had 3 tunnes, whereof ſome was ſent to my friend beyond the ſeas. *Interim*, theſe trials and concluſions ſo differing brought the ſaid ore (together with other proceedings) into ſome diſgrace, whereupon (according vnto commiſſion giuen me) I made an offer to buy the 80 tuns remaining in the Tower, to a great Perſonage, to giue it for 24 pound the tun, to be tranſported to my friend into Holland paying ready mony: time was taken to giue me anſwere, and then difficultie was made, for that treaſure was not to be exported vnleſſe by returning the quantity of ſiluer by weight; hereupon concluſion was made to bring in ſo much Bullion of ſiluer or Royals of plate. But when all came to all, with running vp and downe, and further offering to deale for greater quantities, and to take it in Scotland, I was put off with this conſideration, that it was a diſhonor to England or to haue men of as good experience as any were beyond the ſeas, wherby the Kings

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losse was 2000 ℔. for his Highnesse gaue the same afterwards vnto *Iames Achinson* his Grauer of the Mint heretofore, who brought the same to nothing, beeing vnskilfull of the refining of it. And thus are good matters marred in the handling, and Workes brought at a stay or hindered, as I haue before set downe. There are many rich mines in Scotland, if we compare them to the West India Mines; and in Wales, where the Lead mines are poore, they containe the more siluer, of 1 ½, two and three ounces in the hundred of Ore, which will not yeeld aboue 40 or 44 ℔ weight of Lead, and the Ore of the Mine which holdeth three ounces, containeth but 25 ℔ of Lead. The mines most knowne are those in Cardiganshire in Wales, where Mr *Hugh Middleton* of London Goldsmith hath bestowed very great charges, as hee did in bringing the Water-works to the city of London; so hee bringeth now siluer to the Tower to be minted: the Ore being foure ounces in the hundred, or eighty ounces in the tun, and the lesse in Lead; for the richer the Ore is in Lead, the poorer it is in siluer. So one hundreth of the best Ore of Lead will make neere 70 ℔ of Lead, and holdeth but ½ ounce of siluer, not worth the charges of refining, as we shall declare.

Good matters marred in the handling. *Plus Peucer que dire.*

The Lead Mines in Ireland do containe more siluer than these in Darbyshire and Somersetshire, called Peake and Mendiffe Lead.

The Saxons which were procured to come into England, had no more, no nor so much experience as our refiners of London, for by sauing of Lead they found lesser quantitie of siluer, and so all was giuen ouer.

The third sort of Mines Royall are the Copper mines, which are found also in diuers countries, which are not so plentiful in Hungary, where the best is, as in times past, but are very aboundant in Sweden, howbeit that it is very meane and inferior in goodnesse. There are also Copper Mines in Germany and the Duke of Brunswicks Countrey: as also certaine naturall Coperas waters, wherein they cast from time to time great quantity of old Iron, which within six weeks or two moneths doth transmute into Copper. England hath diuers copper mines; at Keaswike neere Scotland are made some forty tunnes yearely, by certaine Germanes there inhabiting, it containeth some Gold. Some Mines of Copper Ore are found in Yorkshire: and albeit the charge of making one tun of Copper be commonly 30 ℔, yet if seuen tun of Copper ore make one tun of Copper, it may yeeld good benefit: for whereas 22 fires haue bin vsed, it is brought to 12. I haue seen excellent Copper ore of some mines in Staffordshire, in the hands of Mr *Stonewel*, which absolutely is the best Ore that euer was found in England, he doth assure me of great store of Ore. It is lamentable that such works should lie dead for want of vndertakers, which indeed are discouraged by the great charges. In my opinion, the charge of a tun of Copper of this goodnesse of Ore will bee made for 15 ℔. There are also good Copper mines in the West parts of England, where I haue seen good Ore in diuers places, which must be rosted to destroy the Antimonie, Arsnicke, and other corruptions which are in it.

Copper mines

Natural water of Copperas.

Staffordshire Copper mines

A certain Nobleman now deceased was imbarked in those Westerne Mines, which were promised to be wrought by imbibition of Allome and Copperas water, and the ore after digestion with rain water, would make of six tuns one of Copper: hereupon for 300 ℔ by him disbursed, he was offered 1800 ℔. It pleased his Lordship to take my aduice, and to conclude the bargaine; for when I did calculate the charge of grinding and roastlng of the said ore, the making of the great quantitie of Allome water and Copperas, the consumption of iron plates decreasing in weight, with all the tubs and vtensils, the long time of Imbibition, and consequently workmens wages, I found the charge to exceed, and that the course of ordinary melting was to be preferred; and so experience hath since proued the same, to the great losse of the vndertakers: for when works are clogged with immensiue charges in the beginning, it choketh the benefit euer after, as we shall presently declare. Seeing that profit is the radicall moisture of such and the like actions, his Majestie hath beene gratiously pleased to incorporate a company of worthy persons for all Royal mines, by Letters Patents, and hath reserued but one 15 part to himself. But there is none of that company that doth aduance any works, that I can learn. I would to God that the Mines Royal or others, would proue

The working of Copper Ore by Allom and Copperas water.

The company of roial mines.

to be worth 10000 ℔ yearly, whereby his Highneſſe (according to the antient maxim of the Law) might claime his intereſt as they ſay; for it is well knowne how gratious and bountifull his Majeſtie is alwaies.

A Spaniſh million is 300000 pound ſterling

The great wealth of the Weſt Indies would not be ſo admirable vnto vs, the report whereof is greater than the truth, and the Spaniſh Millions are not ſterling Millions; neuertheleſſe let vs reckon them with the moſt, which is 300000 ℔ ſterling: and when the Fleet of the Weſt Indies and Nova Eſpagna bringeth eight or nine millions, it is a great matter. And to make this apparant, I haue here ſet down the greateſt treaſure that euer came at any one time, which was in the yere 1587, as a prouiſion for the great Armada then preparing, whereunto great beneuolences had beene gathered, in regard of the meritorious action, which God from Inuincible made Inuiſible. The Regiſter of the treaſure was (with the moſt) namely,

From *Nova Eſpagna* and *Terra firme*.

A remembrance of the greateſt reuenue of the Weſt Indies.

For the King.
8100 Ingots of ſiluer.
12 Cheſts with Gold.
300 thouſand Royals of eight.
20 Caſes with Pearles.
1 Cheſt with Emeraulds.
5600 Roues of Cutchenile.

For particular perſons.
5 Millions Teaſted Siluer.
1500 Marks of gold of eight ounces.
1500 Marks of Pearles.
1 Cheſt Emeraulds.

From Mexico.

For the King.
1900 thouſand Peſo's of Siluer.
1100 Marks of Gold.

For particular perſons.
2 millions of Siluer.
64 thouſand Hides.
25 thouſand ℔ Indico.

From Santo Domingo Iſland,
35 thouſand Hides.
900 Cheſt Sugar of 1000 ℔ weight.
22 thouſand Kintals of Ginger.
13 thouſand Kintals of Logwood.
50 Kintals of Salſa Parilla.
48 Kintals of Cania fiſtula.
64 Roues of Cotton wooll.

All the gold and ſiluer was valued at 13 millions, and all the commodities at 3 Millions, whereof the King had 12 millions and one halfe *de claro*, wherewith we conclude this Chapter of the Mines royal, and are moued to write alſo of other Mines and Minerals, contrary to our firſt intention, but briefly as followeth.

CHAP. iij.

Of Mines and Minerals.

THe next in order to be treated of are Tin Mines, which are but few in number in all countries, and in Germany only found ſomewhat plentifull, but the Tin is blackiſh and corrupt: ſo that our Engliſh tin in Devonſhire and Cornwall is the only Tinne of all the World, which containeth foure ounces of gold in a thouſand, whereof there is ſome 12 hundred thouſand made yearely. It hath bin ſold for many yeres

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at an vnder value; but his Majeſtie hath by way of Præ-emption aduanced the price thereof, which belongeth to the Dukes of Cornwall, and conſequently to the Noble Prince of Wales *Charles*, ſonne and heire apparant to our ſoueraign Lord King *Iames*. This Præemption is letten to ferm to certain Merchants, and the gouernment of the Staneries, with all the good orders obſerued therein, and the coinage of tin to demonſtrate the goodneſſe is profitable to the kingdom, and deſerueth great commendation, as is already noted.

Lead mines are found in all cold countries, eſpecially in Germany in the dukedom of Brunſwick, but it is blacke of colour, and vntill it be refined it is vnſeruiceable, and conſequently not vendible. The old Duke had almoſt made a wall about the city, of the ſowes and pigs of Lead, vntill our Lead became deare and ſcant, and that an Antuerpian did teach them how to refine their Lead, in taking away the cobble (which is like vnto a knot in a piece of timber) which made the Lead brittle, and by his meanes all the Dukes Lead was ſold in Italy, Spaine, France, and other places elſewhere. Lead Mines.

Scotland and Ireland haue many Lead mines, containing alſo ſiluer.

The Lead mines of England are ſcituated in diuers places of the kingdome, but moſt in Derbiſhire in the hills of Peake, Somerſetſhire, and Wales.

There is great difference in the Oare, as hath bin noted. There are alſo many Lead Mines in Richmondſhire vnder the County of Yorke, where I went to view them, *Anno* 1606, about Arkendale and the new Forreſt, hauing prepared a long iron Boare of eighteene foot long for that purpoſe, and there I did obſerue within the compaſſe of ten miles, that the ſcituation of Arkendale is betwixt two hills, the one lying North, called Windike, and the other South-weſt called Molderſey, adioyning vnto another hill called Pouncy, lying Weſt from Molderſey, all belonging vnto the King, and by Leaſe vnto Sir *Iohn Maillorie* Knight. Deſcription of many Lead mines in Yorkſhire.

There are alſo adioyning vnto it certain other hills where Lead mines are, as Swaildale, where my Lord *Wharton* hath his works, alſo Readhurſt, Cocka, and Fellind, being Eaſt from Windike. The Mines of Arkendale haue neuer been wrought to any purpoſe. There is but three ſmelting cottages, which do feed vpon the poore people and Inhabitants thereabouts, which at their leiſure ſeeke for Lead ore vpon ſufferance, and bring the ſame to the melting places, where they ſell the ſame for 20 and 24 ſ a Load, giuing to the owners three or foure parts in ten, as they can agree, and one tenth to the Parſon or Vicar of the pariſh or Chappell.

A load of Oare with them is as much as foure or fiue horſes can conueniently carry, which by computation is ſome thouſand weight, and is alſo deliuered by a meaſure called Load; foure of theſe loads will make a Fother of Lead of two thouſand, their weight being 120 ℔ to the hundred London weight: ſo one hundred of lead Ore maketh but 30 ℔ of lead; which commeth to paſſe, for that their manner of melting is by foot-blaſt, and ſmall furnaces with wood and charcole, caſting the ore of Lead between them in ſmall pieces, and ſo ſtill augmenting their melting, which can yeeld but little, the heate of the fire being choked by the fuel and droſſe of the lead, wheras flame is the greateſt mean of melting all metalline ores, which require furnaces to be made accordingly, where 36 or 4000 may be molten together, they melting 3 or 400. Fooliſh maner of melting.

There is no wood to be had but within two miles, but ſea cole and Peate is neere hand, which may ſerue better cheape; for they reckon 7 or 8 ſ for the charge of a fother for the melting. The Lead being caſt into ſmall Pigs of ſomwhat more than one hundred weight, are brought on horſebacke through Richmond to Boroughbridge, being about 30 miles diſtant, and are conueyed by water to York for 2 ſ the hundred, and from Yorke to Hull for other 2 ſ. ſo that a fother of lead with all the charges, wil not ſtand in 3 ℔. and there is a neerer way by Stockton on the ſea ſide, about 25 miles, which will leſſen the ſaid charges.

Now we are come to Iron mines, whereof almoſt all countries in Europe are prouided, which do much differ in goodneſſe, yet may be vſed according to the ſeuerall works whereunto it is imploied; as the Spaniſh iron ſeruing for blades, and not ſo good for other things. Iron Mines.

England hath great ſtore of iron Mines, for by computation there are aboue eight hundred furnaces. The melting of it by flaming ſea cole or Scots cole ſaueth a great deale of charges. There are lately found more iron mines in France, which iron beeing made into bars, is tranſported into Guinea, Binea, and other parts vpon the coaſt of Africa, where it hath continually bin in great eſtimation, and now becommeth ſo abundant, that their profit is but ſmall of thoſe voiages, and ſo it falls out at this preſent for the price of lead.

Steele ſtone. The iron ſtone in Wales is found to differ from the Steele ſtone, by means whereof a German made good ſteele in bars, and alſo Gad ſteele. But the patent of Sir *Baſil Brooke* for the making of ſteele did hinder the proceedings therein, and German ſteele is beſt, vntill of late that a Frenchman (ſhewing the imperfection of ordinary ſteele) cauſed his Majeſtie to make void the ſaid patent, and to grant another for the making of perfect ſteele, ſurpaſſing in goodneſſe the ſteele of all countries.

So we finde that our Iron is beſt for the caſting of Ordnance, and the Sweden caſt iron Pieces are brittle, and commonly one in ſeuen will not abide the triall; and of late the broken Pieces of ours are made ſeruiceable for Iron in barres, to be caſt againe.

Quick-ſiluer Mines. Mercury or Quickſiluer naturall is not yet found in England, but only in Germany in very cold places: and within theſe 30 yeares there are two mines of Quickeſiluer diſcouered in the Weſt Indies, which is a helpe to the quantitie which they yearely buy to refine their ſiluer mines.

Sulphur Mines or Brimſtone. Sulphure and Brimſtone being found in diuers countries, cannot be better than we haue in ſome mountaines of Wales, from whence I haue had diuers ſorts of Sulphure earth or mine very rich. Some there is alſo in Blackemore and Baſedale in Yorkſhire as alſo many other minerals which my workmen did ſhew me, as *Terra ſigillata*, Oacre red and yellow, Bole Armoniacke, *Terra d'Vmbra*, Antimonie, Sal niter, blacke Lead, Vitriol to be made of Copperas: to ſay nothing of ſuch things as are made of mettals nor of Salt-petre, which is plentifull.

Minerals of diuers ſorts.

Allomes are made of ſtone, ſlate, & earth. And now I cannot omit to treat of the Allomes, whereof in many countries great ſtore is made; but the beſt is at Civita Vecchia in Italy, called Romiſh Allome, made with ſmall charges, out of a kind of ſtone which yeeldeth aboue the one halfe of Allome without vſing any vrine or ſaltiſh mixture, as they doe in Germany, where they haue both red and white Allome at reaſonable rates: ſo they haue in many places of the Straits at Conſtantinople, Carthagena, and other places; Sweden and Poland are not without it.

In Scotland and Ireland great quantities can be made, had not England vndertaken ſo much, whereof I haue ſet downe the originall, progreſſe, and continuance concerning thoſe works at large, the ſubſtance whereof followeth in briefe.

Queene *Elizabeth* of bleſſed memorie did in the ſixth yeare of her reigne grant by Letters Patents vnto one *Cornelius de Vos*, the ſole making of Copperas and Allomes within the realm of England, which was aſſigned by him to *Iames* Lord Mountjoy, and being renewed for 21 yeares, was confirmed vnto him by an Act of Parliament, by vertue whereof one Mr *Lane* his workemaſter made great quantitie of Copperas in Dorſetſhire and the Iſle of Purbecke, and ſome Allome and Copperas was then ſould at 30 ℔ the tun, now vnder 3 ℔.

Afterwards about the yeare 1604, one Mr *Atherton* began to practiſe the making of Allomes in Yorkſhire about Gisborough, with whom Mr *Bourchier*, now Sr *Iohn Bourchier* Knight, did ioyne to bring it to ſome perfection; in hope whereof, and at the ſuit of the ſaid Sir *Iohn*, the King in the fourth yeare of his reigne granted certain conditionall Letters patents to the Lord *Sheffield* Preſident of the North, Sr *Thomas Challoner*, Sir *Dauid Fowles*, Knights, and the ſaid Mr *Bourchier*, for twenty one yeres, for the ſole making of Allomes in Yorkſhire only, where (in building of ſeuen houſes, and the vtenſils for working & charges, with other extraordinaries) they were out of purſe in two yeares ſome 33 thouſand pounds, and could not proceed any further without bringing in new men, for ſome of the other gaue ouer in time, and would proceed no further,

Aboue Black-Moores.

further, although the Germans were now come which they had ſent for. Hereupon other Letters patents were obtained for thirty one yeares for all England, Scotland, and Ireland, without conditions, and then they were out aboue 40 thouſand pounds, and no Allomes made to benefit, although the price was raiſed at a certaintie, and all forrein Allomes prohibited to come in. And his Majeſtie hath been pleaſed to enter into the ſaid Workes and laid out ſo many thouſand pounds, as is not fitting to be expreſſed. Thus by ouercharging the works in the beginning, are good buſineſſes ouerthrown; many are the particulars which I haue obſerued in writing concerning theſe works. But leauing this, I wiſh good ſucceſſe therein, for there is allom earth enough to continue for euer, and in places Weſtwards as good and better than any is in Yorkſhire.

There are rich Allom Mines in the Iſle of Wight.

Now from the Mines of Gold, being fallen to Allom and Copperas, let vs end with the Cole pits or Cole mines, whereof they make more account in the North, than of Lead mines, and yet they are aboundant, more than in any countrey of the world. In the lower parts of Germany about Acon and Cologne they haue great ſtore of Seacole, but it doth not cake as our Coles: they melt great quantitie of iron ſtone with it, being like vnto the Cole in Notinghamſhire or thereabouts, which flameth more, like vnto the Scots coles. To know the goodneſſe of the diuerſitie of our Coales, I haue noted in the fourth chapter of the firſt part of weights and meaſures; and now I am to ſhew how Mines may be wrought to benefit and profit, for the good of Merchants and others.

Cole Mines.

Chap. iv.

Of the profitable working of Mines.

Philip the ſecond, late King of Spaine, perceiuing that many blinde Bayards were ouer-bold to vndertake the working of his Mines of ſiluer in the Weſt Indies; and yet conſidering on the one ſide, that without authoritie and priuiledge they could not bee encouraged thereunto; and on the other ſide, hauing obtained the ſame for certain allotted grounds vnto them, they did hinder other men and themſelues proceeded not; did very aduiſedly make all his letters Patents (as we call them) conditionall with a prouiſo, That if the Patentees did not proceed in the worke, or diſcontinue the worke for two yeares, the Patent was void of courſe, and vpon certificate made of it, the King made new Grants vnto others. If our King were pleaſed to do ſo, many Grants or Leaſes made by the Company of the Mines Royal would be made void, and other men would bee encouraged to try their fortunes vpon them.

A good Proviſo in Letters Patents for Mines.

The next conſideration in order, concerning Mines, Metalline, and Minerall, is, That the works in the beginning be not choked or ſuffocated with extreame charges or expences, which doth diſcourage the vndertaker and all others, whereby the workes are giuen ouer, or means is deuiſed to charge Princes coffers with them. For it is certaine, That things do proſper beſt when they are vnderpropped by Authoritie it ſelfe; which to do in the beginning were more profitable, than when the charges and expences haue ouerburthened them. For preuention whereof, I made a contract for the Lead Mines in the North parts, which being imitated, ſhall cut off all ſuch charges as commonly the parties do run into in the working of mines, vpon the conceited benefit which draweth more violently than the Adamant ſtone. For as the Portugal

Antonio

Antonio Diaz told the King, *Todos los mineros ſon Ricos, porque quando no lo tienen en ſuſtanſia, tienen lo enel animo:* All Miners are rich, for when they haue it not in ſubſtance they haue it in the minde. The obſeruation already noted concerning the running waters about Mines, muſt not be forgotten. The Contract before mentioned was in this manner: The Mine to be wrought, and the Ore to be diuided into fiue parts. The owner of the ground or the Leſſee, to haue one part of the Ore ſhaddered and waſhed ready to be molten, and he to redeliuer the ſame in the nature and qualitie aforeſaid, and to be payd for it euery three months, paying for euery load twenty ſhillings. The workmen in like manner to haue another fift part, and to be payd accordingly euery weeke. The other $\frac{3}{5}$ parts to be for the vndertakers, and they to content the Parſon for his Tythes. By theſe means a man is ſure to haue ware for his money, and then to make furnaces to melt 36 or 40 hundred at one time, as hath bin touched. For to enter into charges before you haue good ſtore of Ore aboue ground, is needleſſe: herein obſerue alſo to worke from Eaſt to Weſt, or from Weſt to Eaſt, vnleſſe you find the ſcituation of the Mine to be ſuch, that being troubled with the water, you may make entrances in the lower parts thereof to auoid the ſame. If your lead do containe Siluer, although it were but an ounce in an hundred, you may worke it to benefit, if you preſerue your Lead by making of an iron Cap ouer your furnance, to be drawne vp and downe to receiue the vapor of Lead, which falleth downe againe, whereby the loſſe of aboue 200 ℔ weight in one tun, will decreaſe to 80 ℔ or thereabouts; and if you haue vent enough for the *Litargium*, which is your Lead, as it is caſt vp by the foot-blaſt, or otherwiſe being red to paint withall, then may you make profitable worke euery way. For Copper, obſerue your roaſting, to purge your Antimonie and all other corruptions; let not the gliſtering colour of Marquiſite deceiue you, it is but ſmoke & ſcurfe. And although Antimonie will be the eldeſt ſonne of Sol, and contend with Sulphur and Mercury, hold him for a baſtard; the thrift is in ponderous Ore for copper, and with a reaſonable quantitie you may try your workes, before you be at charges in landing of your Ore, and to know how many fires will be requiſite to make one tunne of Copper, and then land great quantitie of Ore, according to our former Contract: If you are not ſure of it, let others beare charges and labour with you, and ſo ſhal you not ouercharge the worke, but rather finde means to leſſen your charges. The lead Mines in Wales, containing two or three ounces of ſiluer, may in myne opinion be wrought to great profit by the means of Quick ſiluer, being roaſted by reflection of the fire, and grinded. To the furtherance whereof, I haue thought good to ſet downe the maner of Potoſie mine in the Weſt Indies, and as the Portugal did the Scottiſh ore; hee tooke to one hundred of the mettall prepared, between 12 ℔ and 15 ℔ of Quicke-ſiluer, with ſalt and vineger, and ſo ſprinkling the ſaid Quick ſiluer through a linnen cloath, ſtill vſing a reaſonable quantitie of ſalt (which diuideth the Lead from the Siluer) and vineger or ſtrong water (but that is coſtly) he did leaue theſe ſubſtances together 24 or 25 dayes, euery ſecond day ſtirring the ſame with a ſtaffe; in which time or leſſe, according to the Minerall, the Quick ſiluer doth deuoure or eat vp the ſiluer, and leaueth all the other commixture: then by ſtraining the ſaid maſſe, the Quick ſiluer goes thorough, and there remaineth a paſte in diuers balls, called the Almond paſte, which by a Limbeck receiuing fire, cauſeth the Quick ſiluer to ſubleme, and falling down by the necke into the water, which is in the receiuer ſtopped cloſe, taketh his body again in the ſaid water, and the ſiluer remaines pure, which commonly is not aboue a fourth part of the weight of the ſaid paſte; your Quick ſiluer ſerueth againe, and there is not loſt aboue ſix pound in the hundred of ſiluer. He ſaid alſo, That hauing once two or three moneths before hand, the Minerals thus prepared or decocted, himſelfe & foure men could refine ten tuns of it in a day, which is admirable. But theſe men are like Trauellers, which ſomtimes may ſpeake an vntruth, *Cum gratia & priuilegio*. Neuertheleſſe, conſidering that Potoſie ſiluer Mine, holding but one $\frac{1}{2}$ ounce of ſiluer, is but 30 ounces the tun, which at 5 ß is but 7 ℔ 10 ß 0, and the loſſe of the Quick ſiluer, and all charges deducted, there will remain but little, vnleſſe the quantitie of tuns to be done in a day ſhould counteruaile the ſame, to prouide yearely againſt the comming of the Fleet,

A profitable Contract.

Litargium of Lead.

How to refine ſiluer by Mercurie.

To be done by retorts of earth.

Fleet, although (as I haue ſaid) many hands make light worke, and light gaines and often do fill the purſe: and if the Workemen ſhould return one pound of ſiluer for euery pound of quickſiluer, there would be aboue tenne for one, and they to liue by the ouerplus of it.

CHAP. V.

Of the nature of Gold, Siluer, and Copper, and of the Monies made thereof.

FRom the tranſcendent contemplatiue ſtudy of Philoſophers, of vapors and exhalations, to the eſſence of Sulphur and Mercury generated into ores of Mettals, We haue produced Gold, Siluer, and Copper to the Mint, to be conuerted into Monies. To the which purpoſe let vs now examine the nature of them, and by inuerſion, coine firſt Copper, then Siluer, and ſo come to Gold, according to the beginning of coines made by the antient Romans. Notwithſtanding that at our coming to the Mint we found nothing but gold coined, whereupon we do remember the verſes which were made at their firſt coining of gold:

Æra dabunt olim melius, nunc omen in Auro eſt:
Victaq; conceſſit priſca Moneta nobis.

The qualities of gold.

Such is the qualitie of fine gold (by reaſon of the equall proportion of the foure Elements therein, that none is predominant ouer the other) that the fire doth not conſume it, being alſo hot and dry of nature, neither is it ſubiect to any other element; for there is no ruſt or ſcurfe that doth diminiſh the goodneſſe, or that waſteth the ſubſtance. It doth abide the fretting and liquors of ſalt and vineger without dammage, which weareth any other thing: it needs no fire to be made gold, as other mettals do, for it is gold ſo ſoone as it is found; it draweth without wooll, as it were wooll: it is eaſily ſpred in leaues of maruellous thinneſſe; you may adorne or gild any other mettal with it; it is not inferior for making of any veſſels; in colour it reſembles the Celeſtiall Bodies; it defileth not the thing it toucheth, as Siluer and other mettals; it is not ſtinking in ſmell; the ſpirit of it can by art be extracted, and the body (being as red earth) can neuer be molten, without the ſpirit be againe added thereunto, as it were infuſing life: and laſtly, it is medicinable, and maketh glad the heart of man, which artificiall gold doth not, neither is it corroſiue as this gold is, ſo that a ſcratch of it will hardly be healed.

Difference between natural and artificiall Gold.

But for our purpoſe of Monies (being ſoft, and onely hardned by the aire, deafe in ſound, and ponderous in weight) it requireth to make Crown gold fit for monies and works, to haue ſome allay of ſiluer and copper mixt, which is $\frac{1}{12}$ part: howbeit, that Monies are alſo made of fine gold, wherein (for obſeruations ſake) we aſcribe halfe a grain of Allay in 24 Carrats. It hath alſo by reaſon of his hot and dry qualitie a propertie, that filling a cup of wine to the brim, yet you may put ten or 15 pieces of gold coined into it, by little and little, without ſpilling, as it were apprehending and claſping the liquid qualitie of the wine.

It

It is held for certain, that the Salamanders wool, and *Alumen Plumoſum* are not ſubiect to fire, yet are they ſubiect to corruption.

Soda bariglia or Maſſacote.

The ſtuffe called Soda Bariglia, or Maſſacote wherof glaſſes are made (which ſtuffe is burnt of certaine ſea weeds, as we know and dayly may ſee in the Glaſſe-houſes) is not ſubiect to fire, but altogether to the aire: But Gold is permanent. Here now ariſes a queſtion, How it was poſſible that *Archimedes* Geometricall triall (ſo much celebrated by antiquitie) can be ſure, ſeeing gold hath that attractiue power to retain ſo many peeces of it in a cup of wine? For the King of Ægypt being deceiued of his Goldſmith in the making of two Diademes or Crowns of Gold (whereof the one contained much Siluer) was deſirous to know the falſhood without breaking of them: wherupon *Archymedes* cauſed two veſſels to be made of one equal bigneſſe, with receiuers vnder them, and cauſed them to be filled brim full with water, and therein he did put theſe two Crownes aſunder, and gathered vp the water very circumſpectly, whereof one of the veſſels did ſpill more than the other; according vnto which, by Arithmaticall Proportion grounded vpon the Geometricall obſeruation, he found out the difference betweene the quantitie and weight of the two waters, and conſequently how much Siluer there was put in, in one of the Crowns, in the lieu of Gold, which if they had beene both falſified, he could neuer haue found it: for the difference came to bee known by the bulk or bigneſſe which cauſed the more ſpilling, and the matter was viſible in ſome meaſure. For I haue obſerued by my Inſtrument made for proportions, That the difference in bulke between Gold and Siluer is as fiue to nine, and betweene Siluer and Copper as eleuen to thirteen; that the body of Copper is bigger than Siluer, Lead to Siluer as from fifteene to fourteene. Tin is lighter than Siluer, and doth differ from it as nine to thirteen, and from the Gold as ſeuen to eighteene. Yron differs from ſiluer as foure to three, and from the Gold as ſix to nine, the body of Gold is leſſer. Quickſiluer commeth neerer, and differeth as three to foure.

Archymedes triall. Sixteen pound of Siluer did ſpill thirty and ſix, and ſixteen of Gold did ſpill but twenty, and the Crown twenty and foure, ſo it was 12 li. Siluer, and 4 li. of Gold.

Proportion of volume for Gold, Siluer, and Copper.

But to reſolue the queſtion, we muſt note the diuerſity of the intentions which were meer contraries; for the one had an intention to ſpil, and the other to keep it from ſpilling, whereas alſo between the operation of wine and water there may be a difference in this triall.

Thus much concerning the nature and qualitie of fine gold, whereunto Lead comes neereſt for ponderoſitie of weight, bignes of volume, and deafenes of ſound, as fitteſt for projection.

The quality of Siluer.

The nature and quality of Siluer is like vnto the Moone, that is, cold and moiſt; the Sulphur of it white and corrupt, and falling away, as you may ſee by drawing lines vpon a paper. Betweene the Planets *Sol* and *Luna* you haue *Venus* the Planet of Copper, to allay the ſame, although *Mercurie* be betweene them, which being fixed, ioineth with any mettall. Copper doth harden the Siluer, and yet as the weaker of the two, is ſooneſt corrupted and conſumed: for it is in mettals according to the Prouerbe, *The weakeſt goeth to the wall*, and the Allay of Copper is done for the preſeruation of Siluer.

Sicle is halfe an ounce of Siluer.

The firſt moneyes, or the Sicles of the Hebrewes was pure Siluer weighing halfe an ounce, which was deliuered by weight, and cannot properly bee called Money, for there was no print vpon it: and beeing allayed with Copper it hath a ſmell, for the Sulphure and Antimonie of Copper (beeing red and corrupt) hath a ſtrong ſmell, which may (by heating it) bee ſooner diſcerned by rubbing: and howſoeuer there are many blaunchers for Copper, the beſt of them all in time will appeare in his colour, beeing not throughly fixed. The nature of Copper is alſo cold and moiſt, and beeing commixed and augmented with the Calamine ſtone and Lead maketh the yellow Braſſe, and increaſeth the volume from eleuen to fifteene, whereas (as wee haue ſaid before) betweene Siluer and Copper, it is but eleuen to thirteene, which cauſeth the counterfeiters to bee encouraged, notwithſtanding the ſmell and redneſſe of the colour: therefore in the Allay of Crowne Gold, the Mint-maſters in Fraunce and England doe take halfe Siluer, and halfe Copper, which maketh the higher colour of Gold. But in the Low-countries and Germanie they take three parts Siluer and one part Copper, which maketh the difference betweene

The qualitie of Copper.

Yellow Braſſe.

Allay of Gold.

between the colour of their Crowne and ours, and is the reaſon that our gold will ſooner weare away than theirs.

We haue already declared the true deriuation of monies, called by the Romanes *Pecunia*, of *Pecus pecudis*, not *Pecus pecoris*; for they coining firſt Copper monies, and as it ſhould ſeeme the wealth of man conſiſting moſt in Cattell (as in the time of *Iob*) cauſed Oxen, Sheepe, and the like Cattell to be ſtamped vpon their Coines of meere Copper, whereof their Exchequer was called *Ærarium*, being then in greater eſtimation: for the proportion or value in the time of *Numa Pompilius* was ten of Copper to one of Siluer, and ten of Siluer to one of Gold; which now by the abundance of copper is much altred, notwithſtanding the copper monies vſed in all Countries in ſome reaſonable meaſure. But in Spaine, being as it were vnto vs the fountain of ſiluer and gold, there it is vſed immoderatly; for they haue ſo many millions of Copper Monies in foure and eight Maluedies and otherwiſe; and in Portugall of Ventenis, Patacois of ſo many Reas, that the halfe Ryal (which is our three pence) is only of Siluer, and all monies vnder it are meere Copper, without any mixture of Siluer. This quantitie is almoſt incredible; for it is not many yeares ſince during the Kings reigne of *Philip* the third, that certaine Italians finding fault that his Octavo's and Quartillo's were too big, gaue the King ſix millions of ducats to coin them at half the weight within a time limited, and as many as they could vtter within that time. *Neceſſitas non habet legem* is true in ſome reſpects.

Proportion which was betweene Siluer and Copper.

Copper moneyes of Spain and Portugall.

The Venetians alſo coine meere copper mony: they haue Seſſini, which are valued at two Quatrini, and three Quatrini are one halfe-penny ſterling; for ſix Quatrini are one penny. Bagatini they haue alſo, whereof foure make one Quatrini, and 24 Bagatini make one penny ſterling by calculation.

Copper moneys of the Venetians.

In France they haue Mailles, Petit Deniers, Deniers, Doubles, and Liarts; and in times paſt moſt of theſe had ſome ſiluer in them: but vpon due conſideration, that it was ſo much ſiluer waſted, (becauſe the charge of refining did ſurmount the value, and that theſe monies did ſerue for the commutation of petty things and trifles) they haue ſaued that Siluer. The like they haue done of all the ſmall monies in Germany; but they cauſe them to be Alkimed like Siluer, which is done with Tin and Sal Armoniack after they be coined; which holdeth fairer a long time than the monies of Siluer allayed with much Copper, being in a manner incorporated with the Copper, and taketh away the ſmell of it. Such are their Hellers, Albs, Hallincke, and the like ſmall Copper monies.

Of Fraunce.

Of Germanie.

In the Low-Countries they haue Duyts, Mites, Negemanckens, Ortkens, whereof foure make a Styuer, and fiue Styvers make ſix pence, which we may well call a Stiuer for a penny ſterling; eight Negemanckens and foure and twenty Mites for one penny alſo. In ſome places, as in Flanders, the Mite is called Corte; and in the Walloon countrey Engcuni, and in other places Point, Pite, Poot, being all ſubdiuiſions of *Obolus*, or the halfe penny.

Of the Low-countries.

In Bohemia, Poland, Sweden, Denmark, Eaſt-land, and many other kingdomes and States, they haue meere Copper monies tedious to deſcribe: likewiſe in Italy in their ſeuerall principalities and dukedomes.

Of many other kingdomes and ſtates gouernment.

In Scotland they haue Turnoners, and pence, and halfe pence in their names, and much baſe money of Achiſons, Blackx, Babyes, Nonſuits and the like. In Ireland they had in Queene *Elizabeth* her time halfe pence and pence of Copper, which are moſt of them loſt and conſumed.

Of Scotland.

Of Ireland.

The neceſſitie of theſe ſmall monies did appeare here with vs in England, where euery Chandler, Tapſter, Vintner, and others made tokens of lead and braſſe, for halfe-pence; and at Briſtoll by the late Queenes authoritie, were made of Copper, with a Ship on the one ſide, and C. B. on the other, ſignifying *Civitas Briſtoll*. Theſe went currant (for ſmall things) at Briſtoll and ten miles about. Hereupon it pleaſed our Soueraigne Lord the King to approue of the making of a competent quantitie of farthing Tokens, to aboliſh the ſaid leaden tokens made in derogation of the Kings prerogatiue Royall, which farthing tokens being made by Engins, of meere copper, in the

Farthing tokens in England.

yeare 1613, with certaine cautions and limitations) haue on the one ſide two Scepters croſſing vnder one Diadem, in remembrance of the Vnion between England & Scotland; and on the other ſide the Harpe for Ireland, with the deſcription, *Iacobus D.G. Magnæ Britt. Fra. & Hiber. Rex.* And the ſaid farthing tokens haue not only bin found very commodious and neceſſarie for petty commutations, but alſo to be a great relief of the poore, and meanes to increaſe charitie, without which many of them had periſhed; euery man hauing means to giue almes, euen the mechanicall poore to the indigent poore.

Siluer monies. To come to the coines of Siluer, wee haue alſo noted that the Romans made but monies of Siluer the 484 yeare after the foundation of Rome, which was in the yeare 3695, from the beginning of the world, being now about 1900 yeares ſince; and by ſome Coines and models extant the goodneſſe of it was ſterling ſiluer, beeing aboue 11 ounces fine, ſince which time many are the ſtandards of ſiluer monies made in diuers countries according to occaſions, both in time of peace and warres, as you may finde in the following Chapters, where we haue reduced them from the mark weight vnto the pound weight Troy of 12 ounces. And concerning the monies of England of the ſterling ſtandard, more followeth hereafter.

Gold monies. The monies of Gold were but made when the Romanes had taken great wealth from all nations, and was 62 yeares after their beginning of the making of ſiluer monies, and they were of fine Gold. Since which time alſo there haue been many Standards made of gold, and that from about twenty foure Carrats fine, vntill ſeuen Carrats, &c.

CHAP. VI.

Of the Officers of Mints.

THere are diuers officers in all Mints; the principal officer is the Warden of the Mint; the next is the Mint-Maſter: the one to looke to the making of monies compleat, according the Standards; and the other with his workmen (called Moniers) to make them. Then there is the Controller, to keepe the Contre-books for the Prince and State, to ſee the Bullion receiued, and the aſſayes made thereof, and the compleat monies returned for the ſame, weight for weight, paying coynage money for the ſame, which is done by the Warden, by the ſaid monies in ſpecie, as they were coyned at the firſt. There are commonly two Aſſay maſters, one Grauer and his deputie; one that keepeth the Yrons to deliuer them to the Moniers, or the Prouoſt or chiefe of them, to ſee them euery night returned againe; then the Sincker, Smith, Porter, and the like in their places; all theſe haue wages for themſelues, or allowances yerely from the Prince or State. The Mint-maſters and the Moniers are payed for euery pound weight they make, whereof 30 ℔ weight they call a Iourney. The Tellers office is but vſed in England, which the Wardens deputies execute in other countries, to keepe a Sheyre booke of the pieces contained in the marke or pound Weight, although the money be deliuered by weight, and not by tale. For although there be, ſuppoſe eight or ten pieces ouer in 100 ℔ by tale, it doth encourage the bringer in of Bullion; for the exact fizing is not ſo much to be regarded vpon the totall in quantitie, as vpon the equalitie of weight in pieces; for it hapneth ſometimes that one ſhilling will weigh one farthing or halfe penny more in value by the weight, than another; whereby Monies are culled out and tranſported, and the light pieces remaine among his Majeſties ſubiects. Goldſmiths alſo wanting Bullion, muſt melt ſuch monies downe to make plate of.

The Sheire booke of monies.

The cauſe of culling of money.

The

The Bullion which is brought in, or forreine Coine either, is alwaies locked vp in great cheſts or incloſed places, vnder three keyes, namely the Wardens, the Mint-maſters, and the Controllers: at the dayes of receits which are obſerued in the Tower of London, Saturdayes and Mondayes, and then the officers haue their dyet in the place, the one halfe at the Kings charges, and the other halfe at the Mint-maſters charges, who is called by ſome Maſter worker of the Kings Monies, or *Magiſter operarius*: and between the Warden and him there is commonly emulation and neceſſary diſcord; like vnto that which *Cato* vſed amongſt the ſeruants of his family, which he did compare to the ſtones of a vault, which by ſtriuing do vphold the building, and made him to be more quiet and regarded.

Suppoſe now that wee are come to the Mint, to ſee monies made of our Ingots of Gold and Siluer, and one of the Aſſay maſters commeth vnto me and ſaith, Sir, I haue read that all things are gouerned by Number, Weight, and Meaſure; What ſay you to fineneſſe of Gold and Siluer? I do aske him firſt, What he taketh fineneſſe to be? He doth anſwer me, That it is a myſterie, and that the ſtudy of it is as intricate as the Tranſubſtantiation of the Papiſts Sacrament, as you may perceiue, ſaith he, by the controuerſie betweene the Warden of the Mint, and the Mint-maſter, concerning the Standards of the ſterling monies of Siluer, and the baſe monies lately made for the Realme of Ireland; which is grounded vpon the fineneſſe of the Bullion reported by triall of the ſubtle aſſay. Whereunto I doe reply, that plain things may be made intricate; for fineneſſe of Gold and Siluer is properly fine Gold and Siluer, and this is knowne by weight, which I do thus demonſtrate in the Siluer for both. *Poſito*, That this piece of Siluer is fine ſiluer, without any mixture of allay, and weighes one pound of twelue ounces Troy; I hope you will call this to bee twelue ounces fine, becauſe it weigheth twelue ounces, which is the pound weight and fineneſſe alſo: now take away one ounce of this fine Siluer, and put ſo much Copper vnto it to melt them downe, as maketh vp the ſaid pound againe twelue ounces in weight, you (knowing that there was but eleuen ounces of fine Siluer remaining) will make no difficultie to affirme that this is eleuen ounces fine Siluer, and one ounce of Copper in the pound weight, and put the ſame to the triall of your ſubtil aſſay and you ſhall finde it ſo: is there any myſterie in this? And he ſaith No, as I did propound it; and ſo is it if there be more or leſſe allay in the pound weight accordingly: for the pound weight doth proportionate the whole maſſe, Ingot, or lumpe of Bullion, call it what you will, as in the next Chapter of Aſſayes ſhall be made more apparant. But (ſaith he) this doth not cleare in my vnderſtanding, the buſineſſe which is in controuerſie between the Warden and the Maſter worker: for the Copple or Teaſt doth drinke in ſome two penny weight of ſiluer with the lead, and ſo there is ſo much hid from report; for the Bullion is that which maketh the monies, and not the ſiluer of the aſſay: ſo that the ſaid ſiluer is finer in euery weight two penny weight, in value ſix pence halfe penny, and the twelfth part of an halfe penny: which is the cauſe that the Maſter workman (being ſubtil and cunning) doth put into the melting pot two penny weight of Copper in euery pound, whereby he gaineth the weight of ſo much ſterling Siluer. Now this gaine is the Kings, for with his Highneſſe money this Bullion is bought of the Subiects. And therefore the Warden doth charge the Mint-maſters account with two penny weight of ſiluer in euery pound weight, and alloweth the ſame vnto the King; for the Mint-maſter is to account by the melting book, where this allay of Copper is entred, according to the Indentures between the King & him. And ſo in the baſe monies made for Ireland, whereof one of ſiluer maketh foure of that monies, hee is charged in account eight penny weight of ſiluer for euery pound of ſiluer Bullion: for the commixture of two ounces eighteen penny weight of ſiluer, and nine ounces two penny weight of Copper, is found to anſwer that ſtandard of three ounces fine. And ſo doth eleuen ounces of Siluer and one Ounce of Allay anſwere the ſterling ſtandard. For there is great conſideration to be had in the calculation of the ſiluer Bullion to the fire, and from the fire: for eleuen ounces from the fire is ſet down for Standard, to paſſe according to the indented triall-piece made by the ſworne Officers or Refiners, and Aſſay-

Fineneſſe of ſiluer what it is.

Drinking in of the Teſt or Copple.

Two penny weight of Copper put in the commixture.

Account charged with two penny weight of ſiluer in euery pouud weight.

Melting book Indentures.

Baſe monies is eight peny weight in the pound of the ſilver bullion.

Standards ſterling and Iriſh.

From the fire, and to the fire

Indented triall Pieces of ſiluer ſterling and baſe. Commixture.

maſters, thereunto heretofore appointed; whereof my ſelfe was one; which indented piece we haue commixed accordingly of fine ſiluer, refined vpon a dry Teaſt, and good Copper or Allay: and the ſame we haue diuided into three parts; one part to remaine in the Kings Treaſurie at Weſtminſter, another part with the Warden of the Mint, and the third part with the Mint maſter to make the monies thereby, and all theſe things are done very orderly. There is no reaſon that the Mint-maſter ſhould pocket vp this benefit, which commeth almoſt to ten thouſand pounds, and would haue beene much more if it had not been ſpied out in time for the Kings ſeruice. And then hee concluded his ſpeech with an affirmation, that he could take the ſaid two peny weight of ſiluer out of the copple, which had drunke vp the ſame, or within a little leſſe of it: Whereunto I made him ſuch an anſwer as I had oftentimes vnderſtood of the Mint-maſter, and partly of myne owne knowledge concerning Aſſayes, which I had obſerued and knowne aboue forty yeares, my father alſo hauing been a Mint-maſter; and I told him that all his allegations as aboueſaid ſhould and could be very well anſwered: for albeit that he had alledged many things concerning the ſtate of the matter in queſtion, I would (according to the courſe of the Common Law) ioyne iſſue vpon one peremptorie point, to be tried by all vnderſtanding men. To which end I told him,

Generals of the Mints beyond the ſeas.

That in Germanie and the Low Countries there were certaine officers called the Generals of Mints, which did determine ſuch and the like queſtions and controuerſies ariſing betweene the Wardens and the Mint maſters, which were men of great knowledge and experience in Mint affaires, and had from the Prince large ſtipends giuen them for to attend theſe Mint buſineſſes, when the trialls of Pixes or of the Boxes are made, and the Mint-maſters make their accounts with the Prince. Hereupon the ſaid Aſſay maſter (according to his courteous behauiour) was very well pleaſed to heare me, as he ſaid, in fauor of juſtice and truth. And ſo I began to anſwer *gradatim* and articularly as followeth.

Drinking vp of the copple admitted.

Firſt, concerning the drinking vp of the Copple; albeit that it appeareth vnto me (by certaine teſtimonials made beyond the ſeas, by Generals, Wardens, Mint maſters and Aſſay maſters) that if a Copple or Teaſt be well made it drinketh not vp any Siluer at all; yet I will admit that it doth ſo, becauſe you are ſo confident that you can take it out of the Copple, or the moſt part of it, and ſo I will proceed.

Two penny weight of copper acknowledged to bee put in.

Secondly, I do acknowledge that there is two penny weight of copper put into the melting pot, as you ſay, for it is commixed at twenty penny weight, which is a full ounce, where the ſtandard requireth but eighteene penny weight; but this is done to counteruaile the waſte of Copper, which commeth by the melting of Bullion, remelting of the Brocage and Scizill, and by working, hammering, often nealing and blanching of the monies, whereby the monies grow better in fineneſſe than they were at the firſt melting, becauſe ſo much and more copper doth waſte; and can it waſte leſſe than ten ounces in one hundreth weight? No ſurely: which is the cauſe that the Red booke in the Exchequer for Mint affaires admitted this two penny weight for Waſte, which is but ten ounces in the hundreth. And to ſay that this two penny weight of ſiluer is the cauſe that the Mint maſter putteth in two penny weight of Copper, it carrieth not any proportion to put one for one, when the mixture of the ſtandard is eleuen for one. But you reply vnto me, That the Mint-maſter is to beare all waſts, & therefore muſt anſwer the ſame, and be charged in account for it. I anſwer, That the Accounts of all Mints are made only vpon the fineneſſe of monies by their weights, and that it was neuer otherwiſe vſed in England vntill this day: And if the Warden will bring a new manner of account than euer hath beene taken according to the Liedger booke of the Mint, and the Controllers booke; then the Mint maſter is to be charged with euery thing in his proper nature, ſiluer for ſiluer, and copper for copper. Otherwiſe it were better for him not to put in any copper, than to be made to anſwere ſiluer for it. But the Mint-maſter muſt hold as well his Allay as his fine ſiluer, according to the ſtatute 2 *H.6. cap.2.* and in doing otherwiſe, by not putting in of this two penny weight of copper, the monies would be too fine, and the Maſter might incur fine and ranſome. Therefore all Mint-maſters do worke according to their remedies, & they

Waſt of Copper counteruailes the copper put in. Vnequall proportion.

All accounts are taken vpon the Fine matter only.

Allay to be kept.

do

do beare all wasts incident and casuall, as if some Ingots were falsified with Copper within, as hath bin found at the Mint, the Mint-master must beare the aduenture of it, for Princes will be at a certaintie. Which is the cause that the Mint-masters may commix at their pleasure thus far, as the sixteenth Article of the Indenture declareth, That euery pound weight Troy shall be in such sort commixed and melted down, that at the casting out of the same into Ingots, it shall bee and hold 11 ounces two pennie weight of fine siluer, and 18 penny weight of Allay, euery pound containing 12 ounces, euery ounce 20 penny weight, and euery penny weight 24 graines, according to the computation of the pound weight Troy of England, which eleuen ounces 2 penny weight of fine siluer, & 18 peny weight of allay in the pound weight Troy aforesaid, is the old right standard of the monies of siluer of England: and (that the commixture of the Mint-master hath been done accordingly, so that it was found so at the casting out) you best know what made the Assayes thereof from time to time. As for your Melting booke, where the Allay is entered, if you will charge the Mint-master thereby, let it be done distinctly for Siluer or Copper, or Allay in his proper nature, as is said before, and then the controuersie is ended. Now let vs come to the standard of the base monies made for Ireland: I am sure there is not two penny weight of copper put in, as in the sterling standard; but there is two penny weight of siluer by computation taken out, in euery quarter of a pound of siluer, which as you say is eight peny weight of siluer in the pound weight; why should the Mint-masters account bee charged with this, where Siluer by the diuision of the proportion is taken out, & two ounces 18 penny weight are taken for three ounces from the fire, as the Indenture declareth? Shall a Mint-master commix and melt by prescription, or suffer other men to melt it for him, and yet be made to answer for the fineneſſe of monies according to an indented triall piece made of refined fine siluer (as you say) and receiue neither siluer answerable in fineneſſe, nor the quantitie which he ought to haue allowed him according to the standard? I am sure that in the making of these monies there hath bin aboue forty ounces of copper wasted in one hundred weight of the monies made thereof, whereby the Bullion is grown finer, that is to say, these forty ounces of Copper being wasted, haue left the siluer behind, wherewith they were commixt at the first, and so is the said whole masse or bullion so much finer and richer in the proportion, which Arithmeticall distribution doth demonstrat vnto me, and in this Ingot of course Siluer may proue it vnto you: let vs suppose it weigheth 16 ℔, and containeth 4 ℔ of siluer, and 12 ℔ of Copper, and so may we say it is the fourth part siluer; if this Ingot now should bee made to decrease or diminish 4 ℔ of Copper, and so it should weigh but 12 ℔, and therein still containe all the 4 pound in siluer; may not wee iustly call this to be richer, and say it is one third part of siluer? and yet there is no more Siluer than before; and this we call growne in fineneſſe by the decrease of the masse or proportion: and so two ounces 18 penny weight of siluer, commixed with 9 ounces two penny weight of copper made into monies, becomes to be 3 ounces fine, by the melting of the Bullion, remelting of brocage and scizill, and by the working, hammering, often nealing and blanching, which alwaies in base monies is very great, as experience hath proued; call you this pocketing vp of almost ten thousand pounds? Well, I am content to ioyne my issue hereupon, and to prooue that the Mint-master hath not pocketed vp any benefit or gaine at all by this fineneſſe of siluer hid and vnreported in the Bullion, but that he hath bin a loser of so much as hath bin taken from him, by making him to answer siluer for copper. The commixture of these two standerds are contraries, and contraries to worke all one effect is strange vnto me. With that he desired me to go with him to the Assay house, to see the Assayes made of our siluer and gold, and there to end our discourse, whereof he seemed vnto me to be very desirous.

Hazard of Mint-masters.

The Indenture of *Eliz. Reg.* xliij.

The old right sterling Standard.

Siluer taken out by diuision of the Standard of base monies.

Great wast of Copper.

Demonstration Arithmeticall.

How Siluer doth increase in fineneſſe.

Aboue 9000 pounds.

CHAP.

CHAP. VIJ.

Of the Assayes of Bullion and Monies.

COmming to the Assay house, there we found diuers Gentlemen desirous to see the manner of making of Assayes of gold and siluer, as also diuers Goldsmiths which brought some Ingots of Gold, but no Siluer at all; and here we were all courteously welcome, and our discourse was interrupted, and the Assay master desired me to haue patience vntill his businesse were ended with the Goldsmiths, and so he would make the Assayes of our Siluer first, and then come to the making of our gold Assay, which he would first teast, before he should put any proportion of it to the triall of strong-water. The little furnaces were fired, and the Assay master tooke foure copples or teasts, which are made of bone ashes, and hee did put them in the Furnace quater corner wise, with the bottomes vpwards, and so let them remaine almost an houre, vntill he had made an end with the Goldsmiths Assayes, to the end they should be throughly dry, to auoid the springing of the Siluer; and then he did turne them vpwards, and so cutting off some siluer of our Ingots on both sides, he did beate the same very thinne with a hammer, and weighing iustly the quantitie of fifteen graines, he diuided the same by euen portion of weight into halfe, and thereunto he took fiue times so much in thin purged Lead, and winding or involving the siluer therein, he did put the same vpon the seueral Copples two to two, and vpon the other two he did first put the Lead, and the Siluer afterwards when the Lead was molten, making no great difference in this: then with coles he did stop the furnace indifferently, neither too hot nor too cold, vntill it began to driue, and then he made it hotter, and finding it to appeare bright, he brought the copples one after another to the mouth of the furnace, there he let them smoke a little, holding them out and in before hee tooke them out. Then taking off this Siluer, he weighed them one against another, and found them alike, whereby he knew his Assay was well made; and then hee weighed them both together, and what they weighed lesse than before was Copper wasted: and he reported our Siluer to be eleuen ounces and foure penny weight fine, by the true proportion of the pound weight, which is to be taken accordingly in the whole Ingot, weighing some forty pound weight; so that euery pound of it did contain eleuen ounces foure penny weight of fine siluer, and 16 penny weight of copper, making together 12 ounces for the pound Troy weight; and so is fineneſſe knowne by weight, and is properly fine siluer as aforesaid. Hereupon I did aske him, whether the copple had drunke vp some little quantitie of siluer which might amount to two penny weight in the pound weight of sterling siluer by the computation of siluer of seuerall fineneſſe? and hee answered me, It had without all doubt. The other siluer Assay he reported to bee but eleuen ounces fine.

How to make the Assayes of Siluer.

To make the assayes of gold

After this, he tooke in like manner fifteen grains of our Ingot of gold, and putting the same to the teast as aforesaid, to purge the copper (which he did with a hotter fire) he did beat the gold with a hammer very thin, that he could winde it vpon a little stick round, to make it go through the necke of the glasse, and to worke the better: & hereunto he tooke 20 grains of very fine siluer in like manner, and put them all together into the viall or glasse, and hereupon he did poure some strong Water, and put the same vpon coles, and there it did smoke and stand vntill it did smoke no more, and then it had wrought and separated the siluer from the gold, which remained whole, and the

siluer

Siluer was turned into water: then hee did poure out that water into another glaſſe with raine water, which diuided your Siluer from the ſtrong-water again, and weighed the gold againe, reporting the ſame to be 23 Carrats fine, by the calculation vpon the ballance of his ſubrle Aſſay: and then wee went vp to deliuer our ſiluer and gold to the Warden of the Mint, whereof entry was made in diuers and ſeuerall bookes of the Warden, Controller, Mint-maſter, and Aſſay-maſter; and the Mint-maſter did deliuer bills of the weight and fineneſſe thereof vnder his hand to the Warden of the Mint, where we ſtayd to ſee our ſiluer molten and caſt into ingots, for to be deliuered to the Moniers, to ſheire the ſame by weight into ſmall pieces for twelue pences and ſix pences: for it was allayed according to the ſterling ſtandard, and the Aſſay-maſter made another aſſay, called the pot Aſſay, and found the ſame to be ſtandard, wherupon we tooke our leaue and departed. And here alſo he affirmed vnto mee, That the copple had drunke in the like ſmall proportion of ſiluer. The next weeke following I went to receiue my ſatisfaction in coined monies, which were brought vp to the Warden, and he peruſed them whether they were well coined without cracks or flaws, and as the Moniers brought them vp in trayes, he took out ſome pieces not wel made, and cut them aſunder with a ſheire, and ſome pieces he weighed, and then tooke ſome other pieces, and put them through a hole into a box kept vnder ſeueral keyes, & ſome pieces he deliuered to the Aſſay maſter to make trial of. And after I had receiued my mony by weight for weight of my Bullion, I went to the Aſſay-maſter, and ſaw him make an Aſſay of the ſaid monies in like manner as the other, with fiue parts of Lead; and hereupon I tooke occaſion to aske him, Whether the laſt and ſupreme trial of the monies (which was made commonly once a yeare before the Lords at the Star chamber) was done in like manner? And he anſwered me, it was, and withall he deſired me to reſolue the queſtion betweene the Warden and the Mint-maſter, concerning the two penny weight of ſiluer, hid from report (as it is ſuppoſed) according to our former conference? I told him, That according to the iſſue ioyned between him and me, that the Mint-maſter had not pocketed vp any ſuch two penny weight of ſiluer (as his account was charged withall) I would make that plaine by demonſtration, which he ſaid was his deſire; whereupon I framed my anſwer as followeth:

To diuide ſiluer frō ſtrong water.

The Pot aſſay.

Aſſay of monies.

Triall of the Pix.

I make no doubt (Sir) but you haue marked my obſeruations of the foure ſeuerall Aſſayes made concerning bullion and money; namely, the firſt of the Ingot before melting, the ſecond of the pot aſſay after melting, the third of the monies complete made thereof, and the fourth of the ſupreme triall of monies at the Star-chamber, as it were before the King and his Councel; all which being done in maner alike, you haue from time to time told mee, that their operation or effect was alſo alike: for triall of the Ingot, there the copple had drunke in two peny weight of ſiluer: for the pot Aſſay there 2 peny weight was drunke in alſo: the aſſay made of the compleat monies hath drunk in the like two peny weight: and laſtly the higheſt triall of all hath drunke in the like two penny weight of ſiluer; how can it then be pocketed vp by the Mint-maſter, when it was in the bullion, remaining in the pot, found in the monies, and confirmed to be ſo by the ſupremeſt triall? And why ſhould the Mint maſters account be charged either with an imaginarie or ſubſtantial thing which he neuer had or enioyed? To this the Aſſay maſter anſwering rather by ſignes than words, ſaid, It was otherwiſe taken and vnderſtood, and himſelf took now better notice of it, and wiſhed that truth might preuale, according to the ſaying, *Magna eſt veritas, prævalet, prævaluit, & prævalebit*; and ſo ended our ſuppoſed diſcourſe.

Foure Aſſayes of bullion and mony.

A Tacite reſolution.

Now let vs come to the miſteries of the Mints beyond the ſeas, to recompence them that might take offence for diſcuſſing the premiſſes; and let vs be like *Nathaniel*, in whom there was no guile, *Qui vadit planè, vadit ſanè*; howbeit diſcretion is requiſit. The Aſſayes beyond the ſeas are moſt made according to the proportion of the marke, which is eight ounces Troy; and they take twenty graines to make their Aſſayes by, which is correſpondent with our fifteene graines; for they diuide their Engliſh or penny weight in thirty two Aſſes or graines, which from 24 to 32, differeth one third part; ſo is fifteene vnto twenty alſo a third part. For this Marke weight of eight ounces

32 graines beyond the Seas is more than 24 grains with vs.

ounces is two fold; the one is called Engliſh weight, and the other French weight in the Low-countries. But the Engliſh weight is moſt vſed, which is diuided into eight ounces, euery ounce twenty Engliſh or penny weight, and euery Engliſh 32 grains as aforeſaid, is 5120 graines to the marke. This marke and one halfe maketh within a little our twelue ounces Troy for the pound weight, being in grains ſeuen thouſand ſix hundred eighty.

Engliſh mark.

French mark.

The French weight called penny weight is alſo 8 ounces, euery ounce foure and twenty penny weight, and euery penny weight 24 graines, is 6912 graines for the 12 ounces, or 4608 graines for the eight ounces. Theſe graines are alſo diuided in twenty foure Garobes or Primes, and the Primes in twenty foure Seconds, and the ſeconds in 24 Tercies or Malloquen, which is ſuperfluous: notwithſtanding all the ſayd weights and diuiſions, to make aſſayes, they vſe another weight, which euery man maketh according to his fancie: but moſt commonly they wil diuide the mark in twelue deniers or pence, and the penny into 24 graines, and then graines ſubdiuided of paper, making $\frac{1}{8}$ $\frac{1}{16}$ and $\frac{1}{32}$ part of a graine, which concurreth neereſt with our Aſſay weight; for if one pound of ſiluer do containe $\frac{1}{12}$ part copper, they call this 11 deniers fine, as we ſay 11 ounces fine.

Aſſay weight.

For the gold likewiſe they do vſe the ſame weight, accounting for euery Denier or penny weight two carrats; ſo twenty foure Carrats for twelue deniers or ounces, and conſequently 11 deniers is 22 Carrats, &c. So the gold marke is 24 Carrats, a Carrat is 12 graines, ſo 288 in the marke. So the ſiluer marke of 12 deniers of 24 grains, are 288 graines alſo, which are bigger graines, diuided into 4 Primes or Siliqua's, is 1152.

Gold marke.

Siluer marke.

They vſe alſo a manner of ſpeech to ſay, Twelue ſhillings to the marke pound, euerie ſhilling twelue pence, and euery penny twenty foure graines, is 3456 graines in the marke; all which is done to make the knowledge of theſe things intricate. In like manner for the ſheiring of the monies, they will for euery piece make a penny, as if there be made 78 pieces out of a marke, they will ſay it holdeth ſix ſhillings and ſixe pence in the ſheire, or for 62 pieces fiue ſhillings two pence, and ſo obſcure things to take aduantage vpon others. For the Mint-maſters of the Low-Countries and Germany are very experienced in Mint affairs, and the aſſayes being made vpon the grains, may deceiue much, if by triall the calculation be not rightly made. And if the ſayd Mint-maſters were not ſubtill, yet the Generals, which follow the Prince or State, do nothing elſe but ſtudy theſe things alwaies: therefore let vs obſerue more particulars of their proceedings as followeth.

Marke pound.

Sheire monies

In the making of coines of gold and ſiluer, they wil vſe many times to make pieces of fine gold and courſer gold, as the Emperiall Royall and the halfe Royall; the one 23 Carrats three $\frac{1}{2}$ graines, and the other but eighteen Carrats, or the Flanders crowne of 22 Carrats. In Germany the Ducat and the golden Guildern, which for works being mixed are ſeruiceable, admitting by conniuance the melting of the money, rather than for want of it Bullion ſhould not be brought to their Mints, therefore they alſo take little for the coynage, becauſe it ſhould ſooner come vnto them than vnto other Minters, where the Coinage and Seigniorage is great. And albeit the ſame bee but ſmall, yet will they finde meanes to make other Princes to pay the ſame, and cauſe other monies to be made for tranſportation, eſpecially for the Eaſt Countries to buy corne to bring the ſame vnto their Magazins, whereby Trade is increaſed, and Spaine and Portugall ſupplieth the ſame, by ſuffering monies to be alſo tranſported in the returne of corne, whereby Cuſtomes do alſo augment. The Boxe for monies is kept vnder three ſeuerall keyes or lockes, by the Warden, Mint-maſter, and Comptroller; wherein the Warden taketh of euery journey of worke, one, two, or more pieces, according to his inſtruction, to make the laſt triall by before the Lords or Eſtates. The Mint-maſters haue ſome remedies allowed them for the making of monies, either for being too feeble and vnder the Standard, or for being better and aboue the Standard. And hereupon they alwayes worke by commixing it accordingly, whereof they haue an abſolute power, wherewith neither the Warden nor the Comptroller are to meddle;

Moneys made for tranſportation.

Remedies for Mint-maſters.

meddle: for Princes and States will not be vpon vncertainetie with the Mint-maſter, for he muſt beare all caſualties vpon their remedies; with certaine cautions, That if it be aboue the ſaid remedies, and feebler one halfe penny weight, he paieth double; and for the double of that, quadruple; and if it be aboue that, he is ſubject ouer and aboue to puniſhment.

When the triall of the Box is made, if there be quantitie of coine to auoid the multiplicitie of aſſayes, motion is made to the Maſter, whether by one marke indifferently taken of euery *ſpecies* of coin, he wil be concluded for the whole quantitie of the worke, whereunto condiſcending, the markes are weighed out accordingly, and the pieces are told, and the aſſay is thereupon made, and the totall worke is reported to be accordingly. The like is done is England, obſeruing the workes by the priuie marke of the Roſe, Mallet, Croſſe or any other, which is recorded in the Exchequer vpon the ſaid trials of the pixes. Priuie marke of moneys.

The Aſſay-maſters receiuing Bullion of ten or eleuen ounces fine, make their aſſaies with fiue parts of Lead, if it be of ſix or ſeuen ounces they will take eight parts of Lead, if three or foure ounces, then fifteene parts of Lead, and if vnder they will take twentie parts of Lead: But this Lead is firſt to be purged, becauſe all Lead holdeth ſome little Siluer and Gold as hath beene noted. So for Gold (if need be) more ſtrong-water may be added, which may ſerue once againe for triall. Lead for the triall of Siluer Aſſayes.

Their ſtrong-water called *Aqua fortis*, is made two parts calcined Vitrioll, one part Salniter, and halfe a part of Allome calcined and diſtilled as the manner is: but for Gold they vſe *Aqua Regis*, which hath the ſame proportion as aboueſaid, but there is one fourth of a part of Sall Armoniake added thereunto; and vpon their trialls they vſe to report halfe a graine for the Maſters benefit, which muſt needs be a graine where fractions are not vſed in cipher, eſpecially with vs, for there is for Siluer nothing reported aboue twelue graines, which is the halfe penny weight, which is done to haue the accounts cleerer; and withall, there is no Bullion receiued in the Mint vnder nine ounces fine, whereas beyond the Seas (though it be neuer ſo baſe) it is receiued, and the rules for calculation are eaſie and briefe; which to auoid prolixitie I do here omit. *Aqua Fortis.* *Aqua Regis.* Baſe Bullion.

In the melting of Gold, obſerue to melt the ſame firſt before you put your Siluer allay vnto it, and let the fineſt Gold lay vpwards in the cruſible or pot, to haue leſſe waſt and better mixing, for the fineſt Gold is heavieſt and ſeeketh the Center; let no wind come to your melting pot or cruſible for feare of breaking, and take fine Siluer for your allay, wherein there is neither Lead, nor Braſſe, or Laten, which maketh your Gold brittle and bringeth a loſſe to make the ſame malliable, albeit to make it tough is no charge. For take but an old ſhooe, and cut the ſame into ſmall pieces, and put the ſame into your cruſible, and ſtop it vp with a couer, let it ſtand vpon the fire, and it taketh away the eagreneſſe of Braſſe: euen as a hot browne loafe of bread cut aſunder and clapt ouer the bom hole of a hogſhead of wine (taſting of the caske) will cure the ſame of his fowle taſte. Obſeruations for melting of Gold.

Gold-ſmiths are appointed to worke Gold of twentie two carrats fine, but the triall is made by the touch-ſtone onely, with an obſeruation of the rubbing-ſtrokes vpon it to be alike and of the ſame ſtrength, which is worthy the obſeruation, for orherwiſe you can giue no true judgement. There is alſo an eaſie ſcaling of Gold to be made to fall from the Siluer, as it was laied on by the meanes of Quickeſiluer. Triall of the Touch-ſtone.

To take the figure or print of a piece of coine, take Lampblacke and Vernice, ſuch as the Painters doe vſe, annoint the coine with it, put your paper vpon Lead and print thereupon. To take the figure of coyn.

¶ *To refine Gold with Cementation without Strong-water, which is coſtly.*

TAke eight pound of Flanders Tiles, three marke Copperas, 1 ½ marke, Allome ¾ of a marke of Salt, and two ounces Saltpeter; all being mingled and calcined together, take a great cruſible, put this Cement one finger thicke in the bottome, then lay ſome of your gold beaten thin (or if it be golden coine) vpon it, and then of your

Cement againe vpon that, and thereupon Gold againe, which the Alcumists call *Stratum super stratum*, and couer your crusible with tiles leauing a little hole: then begin *Lento igne*, and afterwards with a great fire let it stand foure, fiue, or more houres, and all the Allay will be in the Cement; to take the Siluer out of the Cement, take foure markes Cement, and three marke Potters Lead; two marke of Tiles, foure ounces of Dode cum, foure ounces Saltpeter, and do as before: or else you may take out the Siluer by quicksiluer, as I haue declared in the former Chapters.

The coyne remaineth with the print whole.

Blanching of Siluer.

To blaunch Siluer in a basinof red Copper, which must bee done before it bee coined; take foure gallons of raine-water, two marke of red Tartar or Argall, and one marke salt, cast your Plates (being red hot therein) and stirre the same, as you did before in the dissolution vntill you finde the same white enough; and after it is coined then you must colour it, putting the same into great traies, and with water sprinkling them vntill they be moist, but not wet; then put the colour vpon it tossing and tumbling them, and being put into a Melting pot, let them be red hot, and then cast them into water. To make this colour, take to twentie pound weight of money, three ounces of Sall Armoniake, two ounces Saltpeter, halfe an ounce Verdegreis, and halfe an ounce Copperas, calcine them together for that purpose, &c.

To colour Siluer.

Refining by a great Teast.

To conclude with the refining of Siluer with a great Teast, which must be red hot two or three houres, trying the same with Lead if it doe not spring, the Teast must be for double the quantitie of your course Siluer, and accordingly you are to take more or lesse Lead: to driue out three pound of Copper is twentie foure pound Lead requisite, but is not to be put all at once; then blow vntill the same do driue off and the Siluer remaineth, which take out suddenly, &c.

CHAP. viij.

Of the weight and finesse of Monèyes and their seuerall Standards.

IT is now twentie yeares compleat since *Thomas* Lord *Knyuet*, sir *Richard Martin*, and diuers other Knights and Aldermen of the citie of London, and Mr *Iohn Williams* his Majesties Goldsmith, and my selfe were in Commission, to consider of the Mint affaires of the Tower of London, and of the causes of the transportation of ths monies of the realme, and of conuenient remedies to preuent the same. The causes were obserued to be six, whereof the Weight was the first; next the Finesse of our standard; then the Valuation of m onies, and therein the proportion betweene Gold and Siluer; fourthly the abuse of Exchange for monies by Bills, wherein all the former were included: for we all did set downe, that the difference of Weight, Finesse, Valuation, and Disproportion aforesaid, were not of themselues true causes of Exportation, if there were betwixt countries and country a due course holden in the Exchange of monie; but that due course not being obserued, then they might accidentally be causes. And this course was the cause of the ouerballancing of forreine commodities, increased by the immoderate vse of them, and neglect to set the people on worke; so that the remedy was wholly found to consist in reforming the abuse of Exchange, whereof I haue handled at large in the third part of this booke for Exchanges.

According to our certificate.

Hereupon conferring the pound weight Troy of 12 ounces with the marke weight of eight ounces, admitting one marke and a halfe for the said pound, we found, with

France

France full three pennie weight, ours to be heauier, and the Low countries and Germanie 2 ½ pennie weight or thereabouts, with Scotland foure pennie weight and nine graines, and alwaies heauier than any other.

This agreeth with an instruction declared in an old Booke concerning Mint matters in the time of King *Edward* 3, where it is demanded, What benefit it would be to the King and Realme, if the Troy weight of this Realme, and the Troy weight of France, Flanders, Spaine and Almayne, and of other Realmes and countries were of equall weight and size? for as much as other Countries keepe one size and weight, whereas the Troy weight of England is heauier in euery eight ounces, by halfe a quarter of an ounce. It is answered, that the Merchant that brings in bullion doth lose so much, and the calculation is made what it was for euery hundreth weight both for gold and siluer, and it followeth there. Wherefore this is one great cause that so little bullion comes into the realme, and therefore it please the King to deuise some weight that should be correspondent to the weight of other realmes, and call it by some other name than by the Troy weight.

Ouer heauines of the weight Troy.

And it is there thought meet, that (for information of Merchants and others) a Kalender should be made and published, to shew how much euery pound weight, ounce, and pennie weight is worth, that the true valuation of Gold and Siluer may be thereby perfectly knowne, wherby Merchants and other persons should giue honour and praise to the King and his Councell for Equitie and Iustice shewed in the Mint.

A Mint Calender.

There hath beene vsed from the beginning (in the Mint) both Troy and Tower weight, each of them containing twelue ounces in the pound weight, sauing that the Troy weight is heauier by sixteene pennie weight vpon the pound weight: by which Troy weight the Merchants bought their gold and siluer abroad, and by the same did deliuer to the Kings Mint, receiuing in counterpeaze but Tower weight for Troy, which was the Princes Prerogatiue, gayning thereby full three quarters of an ounce in the Exchanges of each pound weight conuerted into monies, besides the gaine of coinage, which did rise to a great reuenue, making of thirtie pound weight Troyes, thirtie and two pound weight Towers; which is now out of vse, and the Troy weight is only vsed, containing twelue ounces, euery ounce twentie pennie weight, euery pennie weight twentie and foure graines, and euery graine twentie mites, euery mite twentie and foure droicts euery droict twentie periods, euery period twentie and foure blanks, although superfluous (but in the diuision of the subtile assay) which in Scotland are all diuided by twentie and foure, from the denier whereof they reckon twentie and foure to the pound Troy, so twentie and foure graines, Primes, Seconds, Thirds, and Fourths all by twentie and foure. And for the marke and pound weight of other countries I do referre the Reader to the fourth Chapter of Weights and Measures of the first part of this booke.

Tower weight.

Subdiuision of the pound weight Troy.

Concerning the pound weight for finesse and allay, let vs note that these two make properly the pound weight, as being distinguished therein: for if it be one pound of fine siluer, it weigheth 12 ounces, and it is likewise 12 ounces fine: but if there be two ounces of Copper in that pound, then is there but 10 ounces of siluer, and so called ten ounces fine, and so if there be ten ounces 16 pennie weight of siluer, and so called in finesse, then is there one ounce foure pennie weight in copper; and so for all other finesses accordingly,

Diuision of the poũd Troy in finesse.

The like is for the Gold, whereof the said pound is diuided into twelue ounces, or twentie and foure carrats, being two carrats for one ounce, and euery carrat is diuided with vs into foure graines, and finesse accordingly.

From this generall weight of the pound, is deriued the speciall weight of the piece according to the standard, wherein (after that the commixture is made for finesse) the pieces must concur in value, and thereby is the speciall weight knowne of the piece, whereby the moniers cut their pieces, it being the direction for the sheire vnto them, which pieces they cut by their weight deliuered them accordingly: and herein they are to vse good and exact sizing, to preuent the culling of monies for the transporter, or the gold-smiths for melting them for to conuert into plate.

Generall weight.
Special weight
The Sheare.

Concerning the fineſſe of the monies of other Countries, with their weight and number of pieces in the Marke of eight ounces (which I haue reduced to the pound Troy of twelue ounces) I haue here made a plaine declaration as followeth, to inſtruct all Merchants and Goldſmiths therein, for the common good; obſeruing that ſome men (not ouer wiſe in Mint affaires) perceiuing the Marke to be diuided into 24 carrats for gold, and that one marke and a halfe are taken to the pound of 12 ounces, they haue done the like for fineſſe, and (vnaduiſedly) termed gold thirtie and ſix carrats fine, which is exorbitant of the generall obſeruation.

What 36 carrats ſiue is.

Touching the ſeuerall ſtandards of monie in other countries (as you may ſee by the contents of the ſaid declaration, whereby a man ſhall many times receiue coines of aboue twentie ſtandards in one hundreth pounds) it is the onely fallacie in Exchange that can be, whereby no Merchant is able to know whether he haue the true value of the ſum to be paied him: but he is carried with the ſtreame of valuation and tolleration of money to goe currant, as in the next Chapter ſhall be declared; and all men commonly haue a regard to the great monies vſed in euery countrie, making account that other ſmaller monies haue their true valuation thereafter.

Standards of forreine coyne.

As the *Philip* Dollers of ten ounces fine, and $7\frac{2}{6}\frac{2}{4}$ peeces to the Marke.

The Holland Dollers of nine ounces fine, and $8\frac{8}{9}$ peeces in the Marke.

The Spaniſh Royall of 11 ounces foure pennie weight, and nine peeces the Marke.

The Gueldres and Frizeland Dollers of ten ounces foure pennie weight, and $9\frac{1}{2}$ peeces.

The Shillings of Zeland of ſix ounces fine, and thirtie and eight peeces the Marke.

The Golden Royall of twentie and three carrats $3\frac{1}{2}$ graines fine, and fortie and ſix peeces the Marke.

The French Crowne of twentie and two carrats fine, and ſeuentie and two peeces in the Marke.

The golden Rider of the States of twentie and two carrats, and twentie and foure in the Marke.

The Albertins or Ducats of *Albertus* of twentie and three carrats, $3\frac{1}{2}$ graines fine, and being ſeuentie peeces in the Marke, or thirtie and fiue double peeces.

And their daily new coines which they make of ſeuerall ſtanderds which requireth a vigilant eie: but we haue ſhunned induſtrie and labour, which is the cauſe that contrarie to my firſt intention) I abreuiate ſome things.

A Declaration of the Coynes of Gold, concerning their fineſſe, and number of pieces in the pound weight of twelue ounces Troy, euery ounce containing twentie pennie weight, and euery penny weight twentie and foure grains in weight, and in fineſſe twentie and foure Carrats, and euery Carrat foure grains; calculated for the forreine coyne vpon the marke weight of eight ounces, euery ounce twenty Engliſh, and euery Engliſh thirtie and two azes for the pound weight, and in fineſſe 24 Carrats, and euery Carrat twelue graines, vnneceſſary fractions omitted.

THe imperiall Royall of gold alwaies accounted equall with the Engliſh Angell in fineſſe, and in weight but a little differing of twentie and three Carrats, three graines $\frac{1}{2}$, and ſixtie and nine pieces weighing twelue ounces Troy.

The halfe Royall is but 18 Carrats in fineſſe, and $105\frac{1}{2}$ pieces to the pound weight.

The *Carolus* Guildren being $\frac{2}{3}$ parts of it, but fourteene carrats fine, and 126 pieces.

The Roſe Noble of England twentie and three carrats $3\frac{3}{4}$ graines fine, and $46\frac{3}{4}$ pieces to the pound.

The double Royall of Auſtria of twenty and three carrats $3\frac{1}{2}$ graines fine, and $24\frac{3}{4}$ pieces to the pound.

The Nobles of Holland, Vtrech and Ouerryſel twentie and three carrats, three graines, and fortie and eight pieces.

The Gold Guildren of 18 Carrats, three graines ſcarce in fineſſe, and $112\frac{1}{2}$ pieces.

The halfe Noble or Hungarie Ducat, twentie and three carrats, $3\frac{1}{6}$ graines fine, and $113\frac{1}{2}$ pieces.

The

The Biſhops Ducat fine twentie and three carrats ½, and 105 pieces to the pound weight.

The Ducats of Italy, Venice, Turkie, and Rome twentie and three carrats, three graines, and 106½ pieces: other Italian ducats, and the ducats of Guelders twentie and three carrats, one graine, and 106½ pieces.

The Angell of England of Queene *Elizabeth* twentie and three carrats, 3½ graines, and ſcuentie two pieces.

The Soueraigne of the ſaid Queene, twentie and two carrats fine, and ſixtie pieces to the pound.

The old Soueraignes of more weight, twentie and two carrats fine, and 54¼ pieces.

The halfe Soueraigne fine but twentie carrats, and 120 pieces to the pound.

The Angell with the O. is but 23 carrats fine, and 72 ſcarce to the pound.

The Angell with three Lions 22 carrot fine, and 76 pieces to the pound weight.

The halfe Noble, with the Lions and the Noble of Bridges 23 carrats and 88½ pieces.

The *Andrew* Guilder fine eighteene carrats, three graines, and one graine, ſome pieces 108.

The *Gulielmus* Guilder fine eighteene carrots, one graine, and 108 pieces to the pound.

The Gold Guilder of the States twenty carrots fine, and 120¼ pieces to the pound.

The Golden Fleece or Toyſon d'or 23 carrats three graines ¼ and 81 ⅙ pieces.

The *Phillips* Guildren fine 15 carrats three graines, and 111 pieces to the pound.

The *Ioannes* Guildren fine ſixteene carrats, and 109½ pieces to the pound.

The Nobles of Gaunt and Zealand twentie three carrats fine, and 54 pieces.

The halfe Impetiall Crowne twentie two carrats, 1½ graines, and 107½ pieces.

The *Henricus* Noble of England twentie three carrats 3½ graines, and 53¼ pieces.

The old Engliſh Crowne ſomewhat better than twentie two carrats fine, and 100½ pieces.

The *Henry* Noble of France twentie two carrats fine, and fiftie one pieces to the pound.

The halfe *Henry* Noble fine twentie two carrats, 2½ graines, and 108 pieces to the pound.

The Floret Crowne of France twenty three carrats, 3 graines, and 100½ pieces.

The *Charles* French Crowne twenty three carrats, 3 graines fine, and 100½ pieces.

The Floret of France ſtanding twenty two carrats, and 100½ pieces to the pound.

The old Golden Lion of Flanders twentie three carrats, 3 graines, and 79¼ pieces.

The ducat of Caſtile twentie three carrats, 3 graines fine. and 79¼ pieces likewiſe.

The Spaniſh ducat 23 carrats, two graines fine, and 105 pieces to the pound.

The Holland ducat twentie three carrats, two grains fine, and 105 pieces likewiſe.

The double ducat of Zealand twentie three carrats ½ fine, and 52½ pieces to the pound.

The ducats of Nauarre, Majorca, and others twenty three carrats, one graine, and 52½ pieces.

The Spaniſh Piſtolets twentie two carrats fine, and 108 pieces to the pound.

The Milreys ducat of Portugall twenty two carrats, one grain fine, and fortie eight pieces to the pound.

The Contrefait Milreys is but twenty one carrat fiue, and likewiſe 48 pieces.

The *Emanuel* ducat of Portugall twentie three carrats, 3 graines, and 105 pieces to the pound.

The *Emanuel* great Cruſate of Portugall twenty three carrats, three graines, and 10½ pieces.

The *Ioannes* great Cruſate is but twenty two carrats, three graines fine, and 10½ pieces.

The ducat, with the ſhort Croſſe of Portugall twenty two carrats, three graines, and 105 pieces.

The

The ducat, with the long Crosse twenty two carrats, one graine fine, and likewise 105 pieces.

The ducat with the long Crosse of Batenborgh nineteene carrats fine, and 105 pieces.

The Pistolets of Italy twenty two carrats, and some twentie one carrat 2 ½ graines, and 108 pieces.

The Flemish Ryder twenty three carrats, 3 grains fine, and 105 pieces to the pound.

The Guilders and Vrisland Ryders, of the yeare 1583 fine, twenty one carrats, and 108 pieces.

The Ryder of Burgandie twenty three carrats ½ fine, and 105 pieces to the pound.

The English Salut and the halfe, twenty three carrats, three grains, and 108 pieces.

The Schuytken or Ship of Flanders twentie two carrats, one graine fine, and 109 ½ pieces.

The Ryder of Guilders
The *Phillip* Clincart. } Of fourteene carrats fine, and 114 pieces to the pound.

The Ryder of Deuenter, Campen, and Swoll twelue carrats, three graines, and 114 pieces.

Dauid guil. { Of Trier is 17 carrats, 2 graines
Of Vtrecht 16 carrats fine—
Of the Harpe, 15 carrats fine— } and 114 pieces to the pound weight.

The *Peter* of Louaine of 17 ½ carrats fine, and likewise 114 pieces to the pound.

The Clemmer guilder of 13 carrats fine and 114 pieces.

The *Frederike* of Beyeren guilder fourteene carrats, and 117 pieces to the pound.

The *Arnaldus* guilder twelue carrats fine, and 138 pieces to the pound.

The Postulat of Bourbon 12 ½ carrats fine, and 136 ½ pieces to the pound.

The Postulats.	Of Horne	10 ½ Carrats	fine, and 156 pieces to the pound.
	Of Guliers	9 Carrats 3 graines	
	Of Cleue	9 Carrats ½ graines	
	Of Fran. Friar	9 Carrats	
	Of the Dog and Cat	12 ½ Carrat fine, and 136 ½ piece.	

The nine Stiuers pieces of Batenbourg and Frize, seuen carrats, one graine, and 176 pieces.

The *Gulielmus* ducat of Batenbourgh twentie one carrats, three graines, and 52 ½ pieces.

The other ducat of *Stephanus*, but nineteen carrats ½ graines, and 52 ½ pieces.

The ducat of Nimeghen with *Stephen*, twenty one carrats, one grain and 52 ½ pieces.

The new ducats of Saint *Victor Pancratius*, *Vict.* Batenbourgh, *W. B. Margarete Toren*, *Petrus Rechem*, *George Rechem*, twenty one carrats, three graines, and 106 ½ pieces.

The ducats *victor H. B.*—	20 ½ Carrats fine	And all 106 ½ pieces to the pound.
Water ducats and the ½	20 ½ Carrats fine	
Marie of Batenborgh—	20 ½ Carrats fine	
Ducat with the Checker	20 Carrats fine	
Ducat of Denmarke—	20 Carrats fine	
Pancratius Alleb. H.—	19 ½ Carrats fine	
Oswald ducat Cusa—	19 ½ Carrats fine	

The Ducat of Nimmeghen 1565 fine, 18 carrats, two graines, and 108 pieces.

New angells coyned heretofore—	Of Thoron-	22 Carrats 1 ½ graines	And all 72 pieces to the pound.
	Of Horne—	32 Carrats 1 ½ graines	
	Of Batenb.-	21 Carrats 3 graines	
	Of Viana—	18 Carrats 3 graines	
	Of *H. M.*—	17 Carrats—	

The

The Scots Piſtolet nineteen carrats, two grains ½ fine, and 108 pieces to the pound.
The Ryder with the Loaues fine 10 ½ carrats, and 114 pieces to the pound.
The Piſtolets, Dilege and Legion, fine, 81 carrats, and 108 pieces to the pound.
The ducats *Ferdinand* of Batenborgh 19 ½ carrats, and 106 ½ pieces to the pound.
The ducats *Ferdinand* and *Carolus* of Horne eighteene carrats, and 106 ½ pieces to the pound.
The double ducat of *Albertus* of *Auſtria* twentie three carrats, three graines fine, 52 ½ pieces.
The ſingle ducat of *Albertus* of Auſtria twenty three carrats, three graines, and 78 ¾ pieces.
The doudle third parts of the ſaid double ducats twenty three carrats, three grains, and 70 ½ pieces.
The ſingle third part of the ſaid ducat twenty three carrats, three graines, and 126 pieces to the pound.
The Vnite piece, called *Iacobus* of England twentie two carrats, and thirtie ſix pieces to the pound.
The Ryder of the vnited Low Prouinces alſo twenty two carrats, and 36 pieces to the pound.
The halfe *Iacobus* and Ryders accordingly in fineſſe and pieces.
The ducats of the Eſtates of the vnited Prouinces, with the Letters, 22 carrats, and 105 pieces.
The new twenty ſhilling peeces of England 22 carrats fine, and 39 ⅕ peeces.
The halfe and fourth part of it accordingly.
The Scots piece of the Croſſe Daggers twentie two carrats fine, and 72 pieces to the pound.
The Scots Rider of 22 carrats, and ſome of the fineſſe of the Scots Piſtolet.

Note that here are ſet downe many *Species* or Pieces of gold, which are little or none at all to be found: And although ſome are found in great quantity; yet are they not made currant in the vnited Prouinces, by their laſt valuation of the one and twentieth day of Iulv, 1622 hereafter declared. The like is in the reconciled Prouinces vnder the Arch-Dutches *Iſabella Clara Eugenia* of Auſtria, as alſo in Germany: ſo that the generall knowledge of them all, may giue to euery man better ſatisfaction. And the like muſt be vnderſtood of the Siluer Coynes of all Countries hereafter declared, with ſome addition of meere Copper Coynes. And whereas the Stiuer is the fundamentall Coyne, whereof twentie make the Guilder, it is to be obſerued, That ſixteene Copper pence are reckoned in Holland and thoſe vnited Prouinces for one Stiuer, and ſo is the ſaid Stiuer two Groats Flemmiſh, called halfe Stiuers, euery halfe Stiuer eight pence Hollandts: alſo twentie foure Mites is a Stiuer in the other Countries, &c.

A Declaration of the Coynes of Siluer, concerning their fineſſe, and number of pieces in the pound weight of twelue ounces Troy, euery ounce weighing twentie penny weight, and euery pennie weight twentie and foure graines, and containing likewiſe in fineſſe twelue ounces, euery ounce twentie penny weight, and euery pennie weight twentie and foure graines; calculated for the forreine coyne vpon the marke weight of eight ounces, euery ounce twentie penny weight, and euery penny weight twentie and fonre graines in weight, and likewiſe in fineſſe twelue ounces twenty penny weight, and twenty foure graines, vnneceſſary fractions omitted, as neere as conueniently could be computated, &c.

THe *Philip* Doller tenne ounces fine, and 10 ⅚ pieces to the pound weight. The halfe, the fourth, the fifth, and tenth part accordingly, that is to ſay, all of ten ounces fine, and pieces 21 ⅜, 42 ⅝, 53 ⅘, and 107 ⅕ to the pound.
The 20 part of the ſaid Doller fiue ounces fine, and 107 ¼ pieces to the pound.
the 40 part of the ſaid Doller, fiue ounces fine, and 214 ½ pieces to the pound.

The

The *Carolus* Guelderne or $\frac{2}{3}$ of the ſaid Doller, ten ounces fine, and 16 $\frac{1}{4}$ pieces.

The old foure Styuers piece with the Eagle, *Charles* and *Philip*, ſeuen ounces, 7 $\frac{1}{2}$ penny fine, and ſixtie pieces.

The old double Styuer ſeuen ounces, 7 $\frac{1}{2}$ penny weight in fineſſe, and 120 pieces.

The old three Styuers piece, eleuen ounces, three penny weight, eighteene graines fiue, and 120 pieces to the pound.

The ſiluer Fleece of three Styuers, ten ounces, ten penny weight, and 108 pieces.

The three groot or Deniers fine, fiue ounces, ten penny weight, and 117 $\frac{3}{4}$ pieces.

The old Styuer of three ounces, 14 penny weight, foure graines, and 120 pieces.

The new Stiuer following, three ounces, thirteene penny weight, eight graines, and 120 pieces.

The 17 Duyts, ten ounces, ten penny weight fine, and 147 pieces.

The halfe Styuer, three ounces, ten penny weight, and 201 pieces to the pound.

The quarter Styuer Oort, one ounce, 17 $\frac{1}{2}$ penny weight, and 158 pieces.

The eight part Stiuer Duyt fine, one ounce, fourteen penny weight, and 474 pieces.

The Hollandts penny fine, 19 penny weight, and 518 pieces.

The Styuer of the States Vnited, 4 ounces fine, and 168 pieces.

The Styuer of Vtrecht, three ounces fine, and 167 pieces.

The nine Duyts penny of *Charles* and *Philip*, foure ounces, foureteene penny weight, 129 pieces.

The halfe Ruyters blacke, foure ounces, fourteene penny weight, and 256 pieces.

The Braſſe penny and the halfe, foure ounces, ten penny weight, and 120 pieces.

The Spaniſh Ryalls fine, eleuen ounces, 3 $\frac{1}{2}$ penny weight, and 108 pieces.

The Saluator and Royal of Venice, eleuen ounces, ten penny weight, and 96 pieces.

The Italian Ryalls of nine ounces ſeuenteene penny, and nine ounces 14 penny, and nine ounces eleuen penny, pieces 108.

The courſe Romiſh Ryalls of ſeuen ounces fine, and 108 pieces.

The eleuen Duyts of *Charles Lamb*. foure ounces, fifteene penny weight, and 120 pieces.

The 11 Duyts of Holland, ſix ounces ſcarce, and 144 pieces.

The halfe Ruyters blanke of Holland, 3 ounces fine, and 144 pieces.

The fiue Groot of Flanders, and double Saſſenars, ten ounces, 6 $\frac{1}{2}$ penny, and 146 $\frac{1}{2}$ pieces.

The 5 Groot of Gaunt, 5 ounces, 13 penny weight, and 145 pieces.

The 17 Duyts of *Lodowick*, Liege, *Philip*, Guelders, *Charles*, Limborgh, *Philip* of Flanders, two ſtanding Lyons, nine ounces $\frac{1}{2}$ fine, and 145 pieces.

The 17 Duyts of Sluce, 9 ounces, 5 penny weight, and 148 pieces.

The double Vieryſers fine, foure ounces, ten penny weight, and 138 pieces to the pound.

The Snaphanen coyned for three Batts, ſeuen ounces, 7 $\frac{1}{2}$ penny weight, and 39 $\frac{3}{4}$ pieces.

The Creuciat of *Iohn* of Cleaue, eight ounces, ſeuen penny weight fine, and 39 $\frac{3}{4}$ pieces.

The fiue Styuer piece of Liege, 7 ounces, eleuen penny weight fine, and 48 pieces.

The fiue Styuer piece of Gueldres, eight ounces, 1 $\frac{1}{2}$ penny weight, and 48 pieces.

The Snaphane of Nimegen, Deuenter, and Cleaue, ſeuen ounces, eleuen pennie weight, and 48 pieces.

The Shilling *M. E.* and fiue Groots of *Philip* of Flanders, eleuen ounces, three penny and 135 pieces.

The other fiue Groot of *Philip* of Flanders, tenne ounces, fourteene penny weight, foure graines, and 135 pieces.

The fiue Styuer of Cambray, Liege, Horne, ſix ounces, 6 $\frac{1}{2}$ penny weight, 48 and 51 pieces.

The Shillings of Gueldres, Vtrecht, Freeſe, and Zealand, 1586 fine ſix ounces, and 57 pieces.

The

The Shillings of Bridges, 1582 fine, fiue ounces, and 57 peeces to the pound.
The Shilling of Gaunt, 1583 fine, ſeuen ounces, ſeuen penny weight, and 54 peeces.
The Styuer of Gant, 1583 fine, three ounces, and 175 $\frac{1}{2}$ peeces.
The Styuers of Groeninghen, Cambray, and Liege, fine three ounces, fiue pennie weight, and 135 peeces.
The eleuen duyts of *Philip* and *Marie*, eleuen ounces, 3 $\frac{1}{2}$ pennie fine, and 270 peeces.
The peeces of 5 $\frac{1}{2}$ Groot of 1520, and Ma. Flandres nine ounces, fourteene pennie weight, and 120 peeces.

Dollers.

The doller of the States nine ounces fine, and 12 $\frac{3}{64}$ peeces to the pound weight.
The Hollandts Doller nine ounces fine, and 13 $\frac{1}{3}$ peeces to the pound.
The Dollers of Gueldres and Vtrecht nine ounces fine, and fifteene peeces to the pound.
The Dollers of Zutphen and Gueldres, 1586 fine, tenne ounces, foure penny, and 13 $\frac{2}{3}$ peeces.
The Hollandts Doller with the Crown eight ounces, and 13 $\frac{1}{3}$ peeces.
The Rickx Doller Oncia eleuen ounces, fiue penny weight, and 12 $\frac{1}{2}$ peeces.
The other ſorts of Rickx Dollers of eluen ounces, and eleuen ounces three pennie, and 12 $\frac{1}{2}$ peeces.
The Poland Doller
The Bohemia. Ne. Op.
The Batenborgh Dol.
The Bommell Doller.
} fine ſeuen ounces, fifteene pennie weight, and 13 $\frac{1}{2}$ peeces.
The Poliſh Guelder of ſixty Creutzer, eleuen ounces, 3 $\frac{1}{2}$ penny fine, and fifteene peeces.
The Dollers of Briſgau, Tremone ten ounces, fifteen penny weight fine, and fifteene peeces.
The Dollers of Luneborgh ten ounces, ſixteene penny, $\frac{1}{2}$ fine, and fifteene peeces.
The Baſell ſixtie Creutzer, Reynsborch, and Iſmenſen ten ounces, 13 $\frac{1}{2}$ pennie, and fifteene peeces.
The Doller of Riga ten ounces, 2 $\frac{1}{2}$ penny weight, and 13 $\frac{1}{2}$ peeces.

Teaſtons.

Of Mantua, *Francis*
Of Ferrara, *Hercules* and *Alphonſus*
Of Berne, *Vincent*
Of *Ottomanus* Berne
Of Lucerne, *Epiſcopus*
Of Milan, *Lodovicus*
Of Milan, *Galeacius*
Of Friborgh, *Nicolas*
Of Sedun, *Nicol.* dan *Adrian*
Of Solod, *Vrſus*
Of Sauoye, *Carolus*
Of Caſtile
} fine eleuen ounces 5 $\frac{1}{6}$ penny weight, and 45 peeces.

Teaſtons.

Of Portugall *Io. V. L.*
Of France *Franciſcus*
Of Lorayne *an.* 1524. & 29.
} ten ounces, ſeuen pennie weight fine, and forty and two peeces to the pound.

Of Spaine *Ferdinand*
Of Nauarre, *Anna*
Of Baden, *Chriſoſtome*
Of Sauoy, *Carolus*
Of Nauarre, *Henricus*
} ten ounces, 10, $\frac{1}{2}$ penny weight fine, and 39 peeces.

Of Monſerat, *George* and *Guill.* } tenne ounces, 4 ½ pennie weight fine, and 42
Of Geneua, ——— } peeces.

The Quarter Crownes.

Of Fraunce 4 Eſcu of ten ounces, 6 ⅔ penny fine,
Of Lorayne fine nine ounces, 8 ½ penny weight, } and 39 peeces to the pound.
Of Sauoy *Philip* ten ounces, 16 ½ penny weight,

The Rickx Doller of late *Anno* 1567 fine ten ounces, 12, 13, and 14 penny fine, and 12 ½ peeces.

The peece of Cambray $\frac{1}{16}$ of a Doller ſixe ounces, ten penny weight, and 123 peeces.

The 38 Guſtaue of Liege ten ounces, foure penny weight ſcarce, and peeces, 12 ¾.

The *Chriſtopher* Doller, 45 }
The Doller *Guliel.* Sweaden } 10 ½ ounces fine, and 12 ¾ peeces.

The Angell of Scrickelborgh ten ounces, 7 ½ penny weight, and 78 ¾ peeces.

The tenne Creutzers of Salsborgh, Rauenborgh, Friſe, and Saxony eight ounces, ſeuen penny, and 64 ½ peeces.

The three *Carolus* of Frankford, Campidona, Reynsborch, Patauia, Erneſtus, Otingus, *Carolus* and Salsborgh nine ounces fine, and 78 ¾ peeces.

The ſix Creutzer of Insborgh 10 ½ ounces fine, and 124 ½ peeces.

The Groſſe of Salsborgh foure ounces, 12 ½ penny weight, and 39 peeces.

Batſen of foure Creutzers,
Of Fribourgh, Colmograue,
Raynsbourgh, Taunte,
Coſt 1530, Roy, and
Schafhuyſen, Bauiere,
Brandebourgh, Ottinge, } fine, fiue ounces, ſeuen penny weight, and 109 ½ peeces.

The Ausb. Saxon groſſe, and Coniugſteyn fiue ounces, ſeuen penny fine, and 108 peeces.

The Curienſis groſſe, Kempton, Baſſau, and Briſae, fiue ounces, ſeuen pence, and 106 ½ peeces.

Of Noiling, Ambaſſ. Markegraue, *George* and Wormeſer, foure ounces, 12 ½ penny, and 94 ½ peeces.

The Groſſe of Salsbourgh, 6 ounces 2 ½ penny weight, and 118 ½ peeces.

The Groſſe of Viena, ſix ounces, foure penny weight, and 132 peeces.

Of Ausbourgh and Reynsbourgh, 6 ounces 4 ½ penny fine, and 155 peeces.

Of Carinthia, Tauen, Baſell, Shaf-huyſen, Campido and Briſgraue, ſix ounces, and 118 ½ peeces.

Nummi dragme, ſix ounces fine, and 140 peeces.

Nummi dragme, ſix ounces, 2 ½ penny fine, and 118 ½ peeces.

The *Gulielmus* of Turinghia ſix ounces, fifteene pennie weight, and 129 peeces.

The Bohemia Senube and the halfe, 5 ounces, ſeuen penny fine, and 129 peeces.

The 1 ½ ſiluer Groſſe, three ounces, 7 ½ penny weight, and 87 peeces.

The Kemptor, ½ Batts, foure ounces, 12 ½ penny weight, 192 ½ peeces.

The Munichen ½ Batts, foure ounces, 12 ½ penny fine, and 186 peeces.

The *Gulielmus* Lyon peece, two ounces, fiue penny weight fine, and 150, and 179 peeces.

Peeces of twelue Creutzers, 8 ounces, 7 ½ penny weight, and 61 ½ peeces to the ℔.

Of Viena and Bauiere of twelue Creutzers, eight ounces, 7 ½ penny fine, and 57 peeces.

Of 12 Creutzers, 10 ounces, 10 penny weight fine, and 61 ½ peeces.

Of

Of six Creutzers, ten ounces, ten penny weight fine, and 123 peeces.
Of three Creutzers, fiue ounces, ten penny fine, and 136 ½ peeces
Of six Creutzers of Viena, eight ounces, 7 ½ penny fine, tnd 114 peeces.
Of three Creutzers of Viena, 4 ounces, 8 ⅓ penny weight fine, and 129 peeces.
Of three Creutzers of Bauiere, foure ounces, eight penny weight, and 375 peeces.
Of Ausburgh and Vlme Creutzers, 5 ounces, 5 penny weight, and peeces, 384.
Albi of Cologne, Mentz and Trier, 5 ½ ounces fine, and 345, 179, and 342 peeces.
Albi of Norenbourgh, Frankford, Bambourgh, and Palatine Rhene, foure ounces, eighteen penny, and 273 peeces.
Bohemia white penny, fiue ounces, seuen penny weight fine, and 924 peeces.
Bohemia blacke penny, two ounces, 13 ½ penny fine, and 990 peeces.
Dupli Maui, ⅑ of *Gulielmus Turinghia*, two ounces, fifteene penny weight, and 440 peeces.
Simpli dupli of fiue ounces, ten penny weight, and 882 peeces.
The $\frac{1}{12}$ of one siluer grosse, or duodena, three ounces, 3 ⅔ penny weight, and 874 ½ peeces.
Duplus of two ounces fine, and 324 peeces to the pound.
The sixe grosse of Polonia, sixe ounces fine, and 13 ⅜ peeces to the pound.
The *Sigismond* of Prussia, 1534, 10 ounces, eleuen penny weight fine and 69 peeces.
The other with the Armes of Dansicke, 10 ounces, ½ penny fine, and 69 peeces.
The *Sigismond* 1532, and 1535, but 10 ounces, foure penny weight fine, and 69 peeces.
The foure grosse penny, eight ounces fine, and 81 peeces.
The three grosse Prussia alb. 10 ounces, 10 ½ penny fine, and 138 peeces.
The same of Melicin, 1340, of 10 ounces foure pennie, and 10 penny fine, and 138 peeces.
The grosse of Prague, nine ounces, 12 ½ penny fine, and 180 peeces.
The *Ferdinand* of Dansicke, 5 ounces fine, and 180 peeces.
The Wersbourgh soli of Dans and Prussia, 5 ounces, 6 ¼ penny, and 157 ½ peeces.
The two Crosses and Har, foure ounces fine, and 180 peeces.
The Bre 1499, the Key and Ioan, three stiuers, ten ounces, foure penny fine, and 156 peeces.
The eight shilling of Dansicke 1541 fine, 10 ounces, 12 penny, and 156 peeces.
The Deghen of Russia, Muscouia, and de Narde, 11 ounces, 13 penny weight, and 545 ⅓ peeces of Dengen.
The marke sticke of Lubeck, Lady *Mary* ten ounces 16 ⅔ penny, and twenty seuen peeces.
The three armes of Magenbourgh, 5 ounces 8 ⅓ penny, and 27 peeces.
The other peece of eleuen ounces, 3 ½ penny penny weight, and 51 peeces.
The Franks of France, three to one Crowne, 10 ounces fine, and 26 ¼ peeces.
The Turones of France, 10 ounces, 18 penny weight, and 26 ¼ peeces.
The French two Soulz, and foure Soulz, six onnces, 6 ⅔ penny fine, and 117 peeces.
The double Hand of one Soulz, 3 ounces, 15 penny fine, and 132 peeces.
The old Soulz with ✠, foure ounces, 5 penny weight fine, and 175 peeces.
The ordinary French Soulz, 3 ounces, 10 penny fine, and 147 peeces.
The late French Soulz, 3 ounces 6 ½ penny fine, and 147 peeces.
The Lyarts of Franc H. three ounces fine Scarce.
The Pettie denier, Pa. and Pettie denier, Tor, one ounce ½ and 270, and 337 ½ peeces.
Petty Maille were ounce fine, and 450 peeces, and now all Copper.
The shilling of England of Queen *Elizabeth* eleuen ounces, two penny fine, and 60 peeces.
The English groats, eleuen ounces, two penny weight, and 129 peeces.
The English shilling of late 11 ounces fine, and 62 peeces to the pound.
The peece of nine pence, called siluer Harp, 11 ounces fine, and 82 peeces.

The Baſe Iriſh Harp, 3 ounces fine, and 82 peeces.
The old Harp nine ounces, 6 penny weight fine, and 102 peeces.
The King *Henry* baſe groat, foure ounces, two penny weight fine, and peeces.
The Engliſh ſix pence or halfe ſhilling, eleuen ounces fine, and 124 peeces.
The penny, two pence, and halfe penny accordingly.
The three Ryall peeces of *Albertus* of Auſtria, ten ounces, 15 penny fine, and fortie peeces.
The ſingle Ryalls, the halfe, and the fourth parts accordingly.
The double Guilder of *Albertus*, ten ounces, 15 penny weight, and 14 $\frac{3}{5}$ peeces.
The ſingle Guilder, the halfe & quarters of the ſame fineſſe, & peeces accordingly.
The peeces of foure, two, and one Stiuer ſince 1590.
The peeces of eight Ryalls of Spaine, of 11 ounces, foure penny weight, and 13 $\frac{1}{2}$ peeces.
The ſaid peeces made at Mexico in the Indies, 11 ounces fine, and 13 $\frac{2}{4}$ peeces.
The Lyon Doller of the Prince of Orange, of 9 ounces fine, and 13 peeces.
The ſiluer Ryder of Guilders and Frize-land, correſpondent with the States Doller of 9 ounces.
The Dollers of Guelders and Vtrecht, ten ounces, ten and 12 penny fine, and thirteen peeces.
The great ſiluer Royall of the States correſpondent with the *Phillip* Doller.
The $\frac{1}{20}$ part of the ſaid great Royall, with the Arrowes accordingly.
The Doller of Zealand, with the Eagles of nine ounces fine, and 13 $\frac{1}{2}$ peeces.
The *Edward* Doller of England, of eleuen ounces two penny weight fine, and 11 $\frac{3}{4}$ peeces.
The Doller of Scotland with the croſſe Daggers, 11 ounces, two penny weight fine and 11 $\frac{1}{4}$ ounces.
The Marke of Scotland 11 ounces two penny weight fine, and 54 pecces.
The Doller of Frize-land coyned 1601, of nine ounces fine, and 13 $\frac{1}{2}$ peeces.

Coynes made of meere Copper.

THe Ortgens, whereof foure make one Styuer, and two the halfe Styuer.
The Duyts alſo foure make one Styuer.
The Negenmannekens, the eight make a Stiuer, and foure the halfe Stiuer.
The three Mites, whereof eight peeces to the Stiuer is 24 Mites.
The 16 pence Hollandts make one Stiuer, and 8 the halfe Stiuer.
For other Copper Moneys, read the fifth precedent Chapter of Moneys.

Error of Triall peeces for the Standard.

So I do conclude this Chapter, with an error committed in the making of the ſtandard Triall Peeces, vſed in moſt Kingdomes and States to charge the Mint-maſters to make the Moneys by; wherin they do not proceed according to the rule of Arithmatike, by obſeruing true weight and fineſſe. For if it be appointed to make a Standard peece of tenne ounces fine, they will take certaine ounces of fine Siluer and Copper proportionable thereunto, and melt them together, and being made into a plate of Siluer, diuide it into 3 equal parts to be deliuered, one to the K. another to the Warden, and the third to the Mint-maſter; and hereof are Aſſayes made both of this piece and the moneyes, and ſo compared together. As if a man ſhould take eleuen ounces, two penny weight of fine Siluer, and eighteene penny weight of Copper, both in weight and melt them together, making twelue ounces by weight, & neuer weigh them after they be commixed: But ſay this is Sterling Standard, whereas the weight both of the one & of the other doth proportionat the ſtandard by weight, for in regard of the waſt of Copper, this is better than Standard, and ought to be made exactly: ſo that the peeces alſo are to be correſpondent to the pound weight, for the foundation riſeth from hence, as in the following Chapter appeareth.

CHAP. IX.

Of the Valuation of Moneys, and the Proportion betweene Gold and Siluer.

VAluation of Moneys is the Spirit which giueth life vnto coynes, for without it, weight & fineſſe are in the nature of Bullion or Materials.

This valuation is two fold: the firſt is done by publike authority of Princes and States, whereby the peeces of coynes are eſteemed at a price certaine, both for Gold and Siluer to go currant for that value within their kingdomes and dominions: the ſecond, is the Valuation of Merchants by way of Exchange betweene vs and other nations, which is predominant and ouerruleth the former, as before hath been touched, and now will be proued.

Two fold is the valuation of moneys.

The Kings or Princes valuation is effected three manner of waies; *viz.* by inhauncing the price of the coine, by Proclamation; ſecondly, by embeaſiling the ſtandard of money by allay; and thirdly, by altering the proportion between Gold and Siluer.

Kings valuation.

The Merchants Valuation is alſo effected three manner of waies; *viz.* by the price of Exchange for moneys riſing and falling from time to time; by the tolleration of the coynes at a higher rate betweene them; and by the combination with Mint-maſters, inhanceing the price of the Marke of Gold and Siluer. Of all theſe in order briefly.

Merchants valuation.

The Kings Valuation is deriued or drawne from the very peece or peeces made out of the pound weight of twelue ounces, or the marke of eight ounces, which the Romans did call *Nummus à numerando*, to tell or reckon by. The Saxons gaue it the name *Pfeming*, *Pennimick* in Dutch, from whence the word penny is deriued: for they cutting twenty peeces out of the pound Troy of twelue ounces, made twenty pence euery way, that is to ſay, twenty pence in weight, twenty pence in value; and conſequently diuiding the fineſſe alſo by twenty penny weight, and euery penny weight in twenty and foure graines, which was the auntient ſterling ſtandard of *Osbright* the Saxon King ſeuen hundreth yeres paſt: which Valuation ſo continued vntill King *Edward* the third, and vntill *Henry* the ſixth, and then was valued at thirty pence the ſaid ounce, and continued vntill *Edward* the fourth, and then valued at forty pence, and ſo continued vntill King *Henry* the eight, and then was valued at forty fiue pence, and ſo continued vntill Queene *Elizabeth*, who (after the decry of the baſe money made by King *Edward* the ſixth, which King *Henry* his father had cauſed to be coyned) did reſtore the ſterling ſtandard to her great benefit, by valuing the ſaid ounce at ſixty pence, or 5 *ß*, inhauncing the ſame one full third part; ſo that one of thoſe pence became three pence by valuation: and Gold was raiſed according to the proportion of eleuen of fine Siluer to one of fine Gold; or eleuen of ſtandard Siluer, to one of Crown Gold, which valuation of Siluer hath continued hitherto, with little alteration.

Weight and fineſſe both alike with the number of peeces.

The ounce of ſiluer aduanced becauſe of the inhancing of money beyond the ſeas.

But beyond the ſeas, there hath beene great inhauncing, both for the coynes of Siluer and Gold, as well in France as in the Low-countries, and Grmany, to Englands incredible loſſe, as is at large declared in our * Treatſe *of* Exchange. This (daily) inhauncing beyond the ſeas began in the time of K. *Henry* the eight, who went about to reforme the ſame: but afterwards finding if he ſhould inhaunce his price of moneyes, likewiſe they would ſtill aduance theirs more and more, he began but moderately; and whereas the Angell Noble (ſo called) was at ſix ſhillings eight pence, he cauſed the ſame to be valued at ſeuen ſhillings and foure pence, by a Proclamation in the eighteenth yeare of his raigne, and within two moneths after, at ſeuen ſhillings ſix pence, and

* The Canker of Englands Commonwealth.

Angell Noble inhanced.

and withall he did write vnto other Princes concerning the ſame, and Commiſſioners came ouer about it, but all was in vaine; whereupon he gaue an abſolute authoritie to Cardinall *Wolſey* by letters patents as followeth.

HENRIE *the eight, by the grace of God, King of England and of France, defendor of thee Faith, Lord of Ireland, to the moſt reuerend Father in God, our moſt truſty and moſt entirely beloued Councellor, the Lord* Thomas, *Cardinall of Yorke, Archbiſhop, Legat* de Leceiſter *of the See Apoſtolicke, Primat of England, and our Chauncellor of the ſame, greeting. For as much as coines of moneys, as well of Gold as of Siluer, be of late daies raiſed and inhaunced both in the Realme of France, as alſo in the Emperours Low-countries, and in other parts, vnto higher prices than the very poiz weight, and fineſſe and valuation of the ſame, and otherwiſe than they were accuſtomed to be currant; by meanes whereof, the money of this our Realme is daily, and of a long ſeaſon hath beene, by ſundry perſons (as well our ſubiects, as ſtrangers, for their particular gaine and lucre) conueyed out of this Realme into the parts beyond the ſeas, and ſo is likely to continue more and more, to the great hinderance of the generality of Our ſubiects and people, and to the no little impoueriſhing of our ſaid Realme, if the ſame be not ſpeedily remedied and foreſeene. We, after long debating of the matter with you and ſundry other of Our Councell, and after remiſſion made vnto outward Princes, for reformation thereof, finding finally no manner of remedy to be had at their hands, haue by mature deliberation determined, That Our coynes and moneys (as well of Gold as of Siluer) ſhall be by our Officers of our Mint from henceforth made at ſuch fineſſe, lay, ſtandard and value as may be equiualent correſpondent and agreeable to the rates of the valuation inhaunced and raiſed in outward parts, as is afore ſpecified: Whereupon Wee haue giuen commandement by Our other Letters vnder Our great Seale, to the Maſter, Warden, Comptroller, and other Officers of Our ſaid Mint, and to euery of them to ſee this Our determination put in execution of the ſaid coynes by Proclamation or otherwiſe, as in the Print, coyne ſtocke of the ſame. Wherefore by theſe Preſents Wee will and authoriſe you to proceed not only from time to time, when you ſhall ſeem conueniently by aduice of ſuch other Our Councell as you ſhall thinke good, to the limitation, deſcription, and deuiſing, how and after what manner and forme Our ſaid coynes and moneys may be brought vnto the rates and values, fineſſe, lay, ſtandard, and print thought by you and them to be requiſite, but alſo to appoint Our ſaid Officers of Our Mint duely to follow, execute, obey, and fulfill the ſame in euery point according. In which doing theſe Our Letters vnder Our great Seal ſhall be your ſufficient warrant and diſcharge; any act, Statute, Ordinance or Law, or other thing whatſoeuer it be to the contrarie notwithſtanding. In witneſſe whereof We haue cauſed theſe preſents to be ſealed with Our great Seale, at Weſtminſter the 23 day of Iuly, in the eighteenth yeare of Our raigne, &c.*

Francis the French King, and Charles the fifth Emperor.

Grafions Chronicle doth record, that all was to no purpoſe, for the inhancing might on both ſides haue run *ad infinitum*. Afterward in the two and twentie yere of his raign, finding that Merchants did tranſport ſtil the moneys, or made them ouer by exchange and made no imployment vpon the commodities of the Realme; he cauſed a Proclamation to be made according to an old ſtatute 14 *Richard* 2d, That no perſon ſhould make any exchange contrarie to the true meaning thereof, vpon paine to be taken the Kings mortall enemy, and to forfeit all that he might forfeit.

Statute of imployment.

Hereupon it fell out, that lawleſſe neceſſity did run to the other extreame of imbaſing the moneys by allay, whereby all things came to be out of order. For baſe money maketh euery thing deare, and ouerthroweth the courſe of Exchange betweene Merchants, and cauſeth much counterfeit money to be made to buy the commodities of the Realme, and to deſtroy the good moneys, like vnto the 7 leane Kine of *Pharaoh* that deuoured the ſeuen fat Kine in a ſhort time: as appeared of late within the Realme of Ireland, which is more daungerous in thoſe Kingdomes where their monies are of a rich ſtandard, whereby many commotions happen, as in France during the raign of *Philip le Bell*. And *Peter* the fourth King of Aragon, did for this cauſe confiſcat the Iſlands of Majorca and Minorca, now Kingdomes in the Mediterranean ſea, whereas the policie of thoſe nations which do vſe ſeueral ſtandards of moneys, doth preuent the ſame, becauſe that promiſcuouſly they make and coyne moneys of ſeuerall ſtandards, according

Baſe moneyes.

Commotions about baſe money.

ding to the occaſion, which is worthy the obſeruation: and as all extremes are vicious and defectiue, ſo doth it befall thoſe countries which will haue no baſe money at all, and are made a prey vnto other nations by the exchange for moneys, which muſt bee maintained withall, as I haue made and ſhall make more apparant.

The third effect or alteration of the Kings Valuation of money is the Proportion betweene gold and ſiluer, being in moſt countries twelue to one, *viz.* one pound of ſiluer for one ounce of gold wherin there is more operation than moſt men do imagine. For you cannnot aduance or inhance the one, but you abate and diminiſh the other, for they ballance vpon this paralell. And whereas England by continuance of eleuen to one hath beene a great loſer of gold; ſo now by aduancing the ſame not only to twelue to one, but to thirteen $\frac{1}{3}$ for one, there hath followed a very great loſſe of our Siluer which is ouer much abated, as may appeare if we do conſider that the French Crown of ſix ſhillings was anſwered with ſix ſhillings in Siluer, and is now ful ſeuen ſhillings and foure pence; and our ſix ſhillings in Siluer are the very ſame: for twelue ounces of Crowne gold of twenty and two carrats at 3 ℔ 6 ß maketh 39 ℔ 12 ß, and 108 French Crownes the which are made out of the pound weight of twelue ounces at ſeuen ſhillings foure pence, maketh alſo 39 ℔ 12 ß. Hereupon to equalize the ſiluer vnto gold againe will breed a generall inhancing of things within the Realme, for the alteration of the meaſure of moneys cauſeth the denomination to follow in number to make vp the tale, which requireth great prouidence. For we finde that other nations perceiuing our gold to be inhanced, haue abated in the price of exchange (acording to which the prices of commodities are ruled) ſo that the ſame goeth at thirty and foure ſhillings ſix pence, or thirty and fiue ſhillings Flemiſh for our twenty ſhillings ſterling, wheras before they did allow and reckon thirty ſeuen ſhillings and ſix pence or thereabouts, which is aboue our inhancing of ten *pro cent*. and ought to be almoſt thirty eight ſhillings, whereof our Mint men can take no notice, much leſſe our Goldſmiths and Merchants, which either are ignorant, or wiſe in their owne conceits; and it is a hard matter to finde in one man, that which belongeth to the profeſſions of many, and when it is found to imbrace it; for wiſedome draweth backe, where blind Byard is audacious.

Proportion between Gold and ſiluer.

Exchange fallen by the inhauncing of Gold in the low-countries.

For mine own part, although it were to be wiſhed (which is not to to be hoped) that we were of the Scithians minde, who contemned ſiluer and gold as much as other men do admire the ſame: yet ſeeing money is by the iudgement of the wiſeſt ſo neceſſarie to the Common-wealth, that it ſeemeth to be the Sinows of peace, and (as it were) the Life and Breath of warfare; I could not (if I were a Law-giuer with *Lycurgus*) baniſh gold and ſiluer as the cauſes of much euill, and bring in yron in place, vnleſſe I might be perſuaded (as he was) of ſuch good ſucceſſe againſt vnrighteous dealings as iſſued therby, but rather vſe the pretious mettalls ſo conueniently as I might, and ſupply the defect with baſer coyne, wherunto theſe chief mettals of gold and ſiluer cannot ſerue without great loſſe and inconuenience: Or elſe I would by the courſe of exchange for moneys, preuent all and abound with moneys and bullion, hauing ſuch Staple commodities to procure the ſame withall, whereof other nations are deſtitute. Let vs now therefore enter into conſideration with the Merchants Valuation in Exchange, which we haue noted to be predominant and ouer ruling the Kings Valuation. For if the King do value a peece of ſterling Siluer weighing about foure penny weight at twelue pence, it will be currant ſo within the Realme. But Merchants in Exchange will value the ſame at 11 $\frac{1}{2}$ pence, and commonly at 11 pence, and ſo it will bee tranſported *in ſpecie* by a low Exchange, and the commodities of the Realme will be ſold accordingly, as you may vnderſtand by the declaration of exchanges in our third part of this booke hereafter.

Merchants valuation predominant.

This Valuation of Merchants hath two handmaides beyond the ſeas, which do aduance the forreine coyne in price, as we do by Exchange abate the ſame. For Merchants when they haue occaſion to vſe any ſpecies of coynes for tranſportation (as Dollers for the Eaſt-countries to buy corne, or Royalls of plate for the Eaſt-Indies, or French Crownes for France) will giue one, two or three Stvuers or Soulz vpon a peece to haue the ſame, whereby other Merchants buying commodities, will condition to

make

make their paiment in ſuch coynes accordingly; and ſo it goeth from man to man, by tolleration which is called currant money in merchandiſe, or Permiſſion money whereby the ſame are inhaunced two or three vpon the hundreth at the leaſt. This iuconuenience ſeems to be remedileſſe, as the Placcart of the Eſtates of the vnited Prouinces declareth, albeit the courſe of it is beneficiall vnto them, and in regard of them may well be called Permiſſion money. For when they will not break the coyne of other nations (as the manner is in al Mints) then it is rather valued aboue the value, which contenteth the ſaid nations, and ſo is permitted to paſſe betweene man and man, which draweth moneys unto them which doth not endure long. For the laſt and third effect of Merchants Valuation between the Mint-maſters (who loue to be doing) and the ſaid Merchants commeth in place, either by abating the price of the ſaid forrein coyn by Proclamation to auoid their hands of it, or to gather vp coynes before they be inhaunced, diuiding the benefit betweene them and the Financiers, who are Officers of their Treaſury, which is done with great dexterity euery way; in ſo much, that when it ſeemeth they will not haue forrein coyne, and to that end they vnderualue the ſame; then haue they their Exchangers or Brokers to gather vp thoſe monies to be brought to their Mint, where they wil giue ſecretly a benefit, and help themſelues by the ſheire, which cannot be done without priuate authority: So that all things duely conſidered, there is nothing but the rule of Exchange to preuent and moderate all theſe inconueniences, which (to make men beleeue) is to vndertake *Hercules* Labours; for herin doth the motion conſiſt, and *Motus major expellit minorem.*

Currant mony in merchandiſe.

An. 1594.

Valuation altered by praćtiſe with Mint-maſters.

Touching the Proportion betweene gold and ſiluer in valuation; albeit ſome are of opinion, That the ſame is not much materiall in the courſe of traffick, yet experience hath ſhewed to vs, that the contrarie muſt be beleeued before their conceits: And whereas they haue made obſeruation vpon my former aſſertion to this purpoſe, That Spaine holdeth the Proportion of twelue to one, and Portugall holdeth but ten to one; they do not marke the reaſon added thereunto, which is, That betweeene thoſe Kingdomes there are no commodities to eſtabliſh any traffick. So that exportation of Siluer for Gold, or Gold for Siluer, is but a permutation between them without any profit: But England and other countries affourding means to import abundance of forrein commodities, and Gold being with vs in greater eſtimation than heretofore (being but of late yeares aduanced from eleuen to twelue for one, *viz.* From eleuen ounces of ſiluer to twelue ounces of ſiluer, for one ounce of gold) was continually tranſported in returne of the ſaid forrein commodities, the exchange not anſwering the true value of the gold: ſo that now when our gold is yet more aduanced, the ſiluer is therby more abated in price, giuing 13 $\frac{1}{5}$ for one: and therefore no maruell that gold is imported vnto vs, and ſiluer is exported, there being a gaine of aboue tenne and twelue *pro cent.* And this loſſe of ſiluer far exceedeth the gold in value, becauſe in quantity there is in the world fiue hundred of ſiluer to one of gold: and if any ſiluer by accident be imported, it is exported again for the Eaſt-Indies and other places, they giuing more for it than the price of our Mint; for gaine is the commander of all.

Permutation of Moneyes.

An. 1611.

Siluer is 500 to one in quantity, by weight extant

¶ *The Proportions vſed within the memory of man, are as followeth.*

IN the Low-countries they did reckon two *Phillip* Dollers, for the Emperors Royall of gold, whereby one marke of gold did counteruaile eleuen marke of ſiluer, being eleuen to one in the pound accordingly.

In Spaine one marke of gold was valued at 53 $\frac{1}{2}$ Peſos, euery Peſo 450 Maluedeis; and euery marke of ſiluer 2250 Maluedeis, maketh the marke of gold to be but 10 $\frac{2}{3}$ valued by ſiluer: but the Spaniſh Piſtolets of twenty two carrats fine, to eleuen Royals, is eleuen of ſiluer to one of gold.

In France the marke of gold valued at 74 Crownes, and the ſiluer at 6 $\frac{1}{3}$ Crownes, maketh the proportion 11 $\frac{1}{19}$ parts, but valuing the French Crowne at three Frankes, is eleuen to one.

In England the Angell at ten ſhillings, and the ſiluer at ſixty ſhillings the pound Troy

Troy of 12 ounces, being that 6 Angels did weigh an ounce, made alſo eleuen to one.

In Germany one marke of Siluer at 8½ Gold Guilders, maketh 11 ⅝ for one. But the valuation of monies being alrered, hath alſo altered the ſame.

In Rome the pound of ſiluer at 108 Carlini, and the Ducat of gold 99¼ is 12 to 1. So at Millain the ducat 112, and the Teaſton 28, is but 9⅓ for one. The ſiluer beeing ſo in requeſt there for the making of gold and ſiluer thred, that is to ſay, ſiluer thread gilt and white. Now for all places of momentarie traffique it is 12 to 1, and in England 13⅓ to one, as hath bin declared.

¶ *The valuation of forreine Coine of Gold and Siluer, publiſhed in the Vnited Low Prouinces on the 21 day of Iuly, 1622, with the Orders eſtabliſhed by the Eſtates of the ſaid Countries, for the better obſeruation of the ſaid valuation, which neuertheleſſe are continually infringed from time to time: and the like is done in other countries. So that to obſerue our owne rule according to Equalitie and Equitie, will be found the beſt and ſafeſt courſe of politique gouernment.*

	Guilders.	*Stiuers.*	*Flemiſh.*
The great golden Rider of the Vnited Prouinces	11	6 *or* 37 *ß.*	8 *d.*
The halfe of the ſaid Ryder	5	13	18—10
The double Ducat of the ſaid Prouinces with the Letters	8	10	28— 4
The French Crowne	3	18	13— 0
The Piſtolet of Spaine of foure Piſtolets	15	8	51— 4
The double Piſtolet of Spaine	7	14	25— 8
The ſingle Piſtolet after the Rate	3	17	12—10
The Albertins or Ducats of *Albertus* of Auſtria,	5	13	18—10
The double Roſe Noble of England	18	12	62— 0
The Roſe Noble of *Henricus*, *Edward*, and Queene *Elizabeth*,	9	6	31— 0
The *Henricus* Noble	8	6	27— 8
The Flemiſh Noble old and new of the Vnited Countries,	8	0	26— 8
The old Angell of England	6	4	20— 8
The new Rider of Guelders and Frieſeland	3	13	12— 2
The gold Guilder of thoſe Mints	3	2	10— 4

All which Coines are to be weighed with their accuſtomed weight, and the remedy of two grains and no more, with ſome little aduantage ouer, or at the leaſt being within the reſt of the ballance. Prouided alwaies, that the coines of their due fineneſſe, although they be lighter, ſhall be currant, paying for euery grain wanting two ſtiuers.

¶ *Siluer Coines.*

	Guilders.	Stiuers.	Flemiſh. *ß.*	*d.*
The Lion Dollar of the Low Prouinces,	2	0	6	8
The Rickx Dollars in generall	2	10	8	4
The Croſſe Dollar of *Albertus*,	2	7	7	10
The Spaniſh Ryals of 8	2	8	8	0
The Dollar of Zeland and Friſe with the Ægle	1	10	5	0
The Floren or Guilder of Friſeland,	1	8	4	8
The Engliſh Shilling, and of Great Brittain	0	10½	1	9
The Marke piece or Thiſtle of Scotland	0	12	2	0
The Harpe of Scotland and Ireland	0	8	1	4

And if any of the ſaid Pieces be found to want of their weight, and their appointed remedie, within the reſt of the ballance, or ſome little aduantage ouer, they ſhall bee currant, paying for euery grain wanting, 2 pence Hollandts, whereof 16 make 1 ſtiuer, and the Engliſh groats are made Bullion, or ſhall not be currant.

¶ *Small Monies for ordinary payments.*

THe Shillings of all the ſeuerall Prouinces reſpectiuely, and of the Mints of Nimogen, Deventer, Campen and Swoll —— 6 Stivers
The halfe Shillings after the rate —— 3 Stivers
The pieces called Flabs of Groninghen, 4 Stivers, —— the double —— 8 Stivers
The twintigſt part of the great Silver Royall —— 2 ½ Stivers
The double and ſingle Stiuers of all theſe countries —— 2 and 1 Stiver

The tenth to be receiued in copper monies

1 Of all which ſmall monies for the payments of rents, intereſt or abatement of the ſame, as alſo of all manner of merchandiſe exceeding in one parcel the ſum of 100 Guilders, no man ſhall be bound to receiue more than the tenth penny.

2 The Duyts according to the order of the Prouinces made in the Prouinciall Mints, and none other, are as yet tolerated for a Duyt; and all other Copper Monies of the Prouinciall Mints are alſo tolerated to be payd out for one penny the piece, the 16 wherof make one Hollandts Stiuer, and not aboue: whereas we do intend hereafter to prohibit the ſame to be currant for any price, becauſe wee will prouide our ſelues forthwith with ſo much Copper mony as the commodiouſneſſe ſhall require.

3 We do alſo prohibit from henceforth no Copper monies to be brought into theſe countries aboue two ſtiuers, vpon paine of 10 ſtiuers for euery piece to be forfeited: and whoſoeuer ſhall iſſue any copper monies aboue the ſaid price, ſhall incur the like penaltie of ten ſtiuers for euery piece.

All other coynes made bullion to be molten.

4 And all the ſaid Coines ſhal be currant in theſe Prouinces for the prices aforeſaid, declaring all other pieces for Bullion, which by this our Proclamation are not valued, prohibiting any of the ſaid pieces to bee offered or receiued; as alſo to preſſe any of thoſe which are valued, to be paid at a higher price than they are valued, and alſo offer to put forth other coines of gold and ſiluer valued, which are clipped, waſhed, broken, mended, neiled, or otherwiſe augmented in weight, vpon forfeiture of all the ſaid Coines ſo to be offered at higher rates than this proclamation doth permit: and if the fact be not inſtantly diſcouered, to forfeit the value therof, and moreouer the quadruple or the value thereof, or 24 Guilders in lieu thereof, if the ſaid coines did not amount to ſix Guilders for the firſt time, the ſecond time double, and for the third time quadruple; and moreouer arbitrable correction according to the qualitie of the fact.

5 Without that any diſtinction ſhall be made, whether the ſaid coines were inſtantly paid from forrein parts, or ſent from ſome one prouince or towne into another; in which caſe, if the receiuer thereof will be freed of the ſaid forfeiture, hee is to giue notice of it within 24 houres after the receit thereof, vnto the Magiſtrats or other Officers to be thereunto appointed, to the end they may proceed therein againſt the ſender of the ſaid coine, as it ſhall or may appertaine.

6 Yet ſhall the ſaid receiuer keepe the ſaid coines wholly to himſelfe, if the ſayd monies be ſent vnto him in payment of a former debt, and neuertheleſſe haue his action againſt the party for ſo much as they ſhall want of the ſaid valuation: and if the ſaid coines be ſent for any debt as yet not due, or to bee made, the ſaid Receiuer ſhall reſerue to himſelfe ſo much as the ſaid forfeiture commeth vnto, and the remainder ſhall be deliuered vnto the ſaid Magiſtrat or Officer.

7 The Magiſtrats in places alſo where all ſuch monys are ſent at a higher rate than the ſaid Proclamation, ſhall be bound to make good the inhauncing vnto the Receiuer to whom the ſaid monies were ſent; yet ſo, that they may re-demand the ſame of the Magiſtrate of the place from whence the ſaid Coines were ſent, who ſhall alſo inſtantly re-emburſe the ſame, and haue power to recouer it, with the forfeitures thereto belonging, and hereby ordained againſt the perſons and goods of thoſe who haue ſent the ſame at a higher price.

8 All which ſhall be obſerued from the one prouince vnto another, or the Counting houſes of the Generalitie, wherein they ſhall be aiding and aſſiſting each other, to maintaine the ſaid Proclamation accordingly.

9 And

9 And we do intend that the ſaid forfeitures ſhall be impoſed as wel vpon the receiuer as vpon the payer, euery one to the full, vnleſſe one of the parties did forthwith denounce the ſame to the Magiſtrats; in which caſe, whether it be the receiuer or payer, he ſhall be quit and free of the ſaid forfeiture, and moreouer enioy one third part of the offenders forfeiture.

10 Prohibiting and expreſly commanding, That no man from henceforth ſhall preſume to buy or ſell any wares or merchandiſes, or deale for monies by exchange or intereſt, nor buy new or old rents, or otherwiſe deale and negotiate than according to the ſaid price and valuation of monies of this Our permiſſion and ordinance, vpon forfeiture of the ſaid ſummes, and moreouer quadruple the value thereof.

11 Our intention being, That no payments of Impoſts, Demeſnes or reuenues of Lands, townes, villages, contracts of merchandiſes, Hires, Rents, Intereſt or any Debts ſhall be paid, than according to this our valuation, to wit, euery Guelder with the one halfe of a Lion Dollar, and one pound Flemiſh with three Lion Dollars, or with other coines of gold and ſiluer according to their intrinſicke value, as the ſaid Lion Dollar or the great golden Royall now containeth. After which two (as being chief & ſtandard pieces) all the precedent monies of gold and ſiluer are valued; without that it ſhal be lawful for any man to make any lighter paiment than according to the ſaid valuation, vpon paine the ſame to be void, and no courſe of Law to bee miniſtred thereupon, and moreouer to incurre the penaltie in the next article mentioned: according to the which, all Courts of juſtice, Magiſtrats of the Bench or judgement ſeats, and all other juſtices are to pronounce their ſentences and to make their Decrees, notwithſtanding any treſpaſſe which contrary to our intention or expectation might be practiſed, or at any time be put in vre, cancelling from henceforth all thoſe which are contrary to the ſame, forbidding any execution, depoſitation of monies, or other courſes of juſtice to be done thereupon: declaring moreouer, that all ſuch Iudges as ſhall haue pronounced the ſentences, and the ſaid Officers that ſhall haue aſſiſted therein, ſhall therefore forfeit and incurre the penaltie of fiue Netherland golden Royals for euery perſon at euery time.

Standard peeces of the vnited Low Prouinces, 1622.

12 And to the end that the ſtabilitie and certaintie of this valuation (which We haue taken to heart, and in ſingular commendation, and intend further to care for) may take the better effect, we do ordaine, That inſtantly vpon the publication of this Proclamation, whereof mention is made in the later end, all officers being in any office, Eſtates and officers high and low, ciuill or militarie of countries, townes, Members of Colledges, or particular Lords within the ſaid Vnited Prouinces, ſhall take their ſolemne Oath for the performance of the ſaid Ordinance, to cauſe the ſame to be maintained and obſerued, for ſo much as any waies may concerne their Offices and Commands.

13 And if any of the ſaid perſons ſhould perchance be found forgetfull, and to haue tranſgreſſed the aforeſaid points, in the paying out or receiuing of Coines not permitted by this our ordinance, likewiſe of clipped, waſhed, cracked, mended, nealed, or otherwiſe augmented coines in weight, or giuing them in paiment at a higher price than this our ordinance; We do order and eſtabliſh, That all the ſaid forfeitures committed and to be committed, ſhal reſpectiuely be paid double. And moreouer, if they iſſue any coines made Bullion, or other monies aboue their value, they ſhall be depriued of their offices vpon the verification of the fact, without any pardon to be obtained for the ſame.

14 And the better to bring this ordinance in courſe, wee do prohibit all Treaſurors, Receiuers, Rent-gatherers, their deputies or Clerkes, and all other perſons being in publique ſeruice or adminiſtration, to pay any of the ſaid monies by aſſignation or otherwiſe, but to returne the ſame where they haue been receiued, vpon the forfeitures aforeſaid, vnleſſe it were that the aſſignement were made vpon publique Counting-houſes or Banks, and not vpon particular perſons, as Fermours, Colectors, and the like, being likewiſe bound by the ſame oath: but this is to be done but once by him vpon whom this ordinance falleth out, and no farther.

15 And to diſcouer the offences which they might do in their payments, we doe order, That inſtantly when any payments are made, they ſhal indorſe vpon the acquittances and diſcharges of their payments (amounting to the ſum of one hundred guilders) the ſeuerall ſpecies of gold and ſiluer wherewith they haue made the ſayd payments, and the price according to which they haue payd the ſame, with mention alſo of the graines which are wanting and payd for, to be ſubſcribed by him that hath receiued the ſame, to the end that vpon their accounts notice may be taken thereof, vpon forfeiture that the ſaid acquittances or diſcharges ſhall not be allowed, and whoſoeuer doth receiue the ſaid ſpecies, and not vnder-write the ſame, ſhall forfeit the fourth part by him receiued.

16 Commanding the Auditors (reſpectiuely appointed) to take the accounts of the ſaid Accomptants, to gouerne themſelues accordingly, and not to allow of any acquittances or diſcharges than is aforeſaid, but by the ſaid Acquittances to find out the offendors.

Marking and weighing of forrein ſiluer.

17 Moreouer, the ſaid perſons are bound, that whenſoeuer any coins of gold ſhal be receiued by them, which are too light, they ſhall with a poncheon marke the ſame; and vpon the ſiluer coine they ſhall for euery farthing or eight grains which the piece is too light, put vpon the ſaid piece one graine or round O before they iſſue the ſame, vpon forfeiture of halfe a Ryder for euery piece.

18 They ſhall alſo for thoſe to whom they ſhall pay any monies, haue in readines ballances and weights in the places where they keepe their bankes, vpon forfeiture of halfe a Ryder for euery default to be made therein.

19 And all the ſaid countable officers, as well general as particular, ſhal be bound to haue this our ordinance with the figures alwaies ready vpon their Bankes or Counting houſes, as alſo a Proclamation fit to be affixed in print, declaring the valuation of the ſaid Coines, to the end euery man may gouerne himſelfe accordingly, vpon forfeiture of fiue Netherland Ryders to be paid as often as they ſhal be found without them in their ſaid Offices or Counting houſes.

20 Prohibiting all Receiuers, Bankers and Exchangers, their Deputies and Officers, together with all Merchants or other perſons of what qualitie or condition ſoeuer, to cull out any monies, to ſeparate the light ones for to bee iſſued, and with the weighty ones to make a benefit, vpon forfeiture of fiue and twentie Netherland Ryders.

21 Prohibiting alſo, that none of the coines of Gold and Siluer which are valued by this our Proclamation (vnleſſe it be the Spaniſh Ryall of 8, with his proportions) ſhall be deliuered into any Mint to be molten: to which end we command al the mint maſters of theſe Prouinces, that they do not receiue any of the ſaid coines for to melt them; and if any be ſo brought vnto them, to detain the ſame, and to giue notice thereof to the Generals of the ſaid Mints, to proceed therein as it ſhall appertaine. And whoſoeuer ſhall be found to go about to ſell the ſaid Coines, or hath ſold or broken the ſame, we will haue the ſame to be forfeited, and the double thereof ouer & aboue.

There will be no cauſe to do it.

22 Prohibiting alſo the importation of any coines, not valued by theſe Preſents, either of gold or ſiluer to be brought in, for to be diſtributed.

23 And for the better diſcouerie of the ſaid firſt authors or importers of prohibited Coines, We do command all our officers to do their vtmoſt endeauors to inquire of thoſe with whom they ſhall finde any of the ſaid coines, of whom they had the ſame, and ſo from perſon to perſon, vntill the firſt importers, cauſing them to be puniſhed as aforeſaid, vnleſſe ſome can name his firſt Author, wherewith he ſhall be cleared of the ſaid forfeitures: and if he do voluntarily accuſe his author, he ſhal enioy the one third part of the ſame, and the ſaid firſt importer ſhall be baniſhed out of all the ſayd Prouinces.

24 If any Officers ſhall make doubt, that any of the ſaid perſons haue not dealt well, or miſ-behaued themſelues, then ſhall they, with the Magiſtrat, haue authoritie to put them to their oath, of whom they haue receiued the ſaid Coines, and at what price they haue receiued and paid out the ſame: and if hee deny to declare the ſame

by

by oath, hee ſhall be taken as conuicted of the ſaid treſpaſſe, according to this Ordinance. But if without equivocation he will roundly declare the truth, whereby the fault ſhall appeare, he ſhal be pardoned of the forfeiture, and alſo enioy one third part of the offendors penaltie, if it be to be had.

25 Alſo in like manner they may, and we do authoriſe them by theſe Preſents, to ſeiſe and open coffers, truſſes and the letters of Meſſengers, where they haue ſuſpition to contain any coine: prouided alwaies that the ſaid opening be done in the preſence of him to whom the ſaid coffers, truſſes, or letters were directed, if they can inſtantly come at them; beſides ſome one of the Magiſtrats where the ſaid ſeiſure is made; to the end that thereby the name may be known of him who hath ſent the ſaid Monies at higher prices, and to none other effect.

26 All which penalties and forfeitures ſhall be diſtributed, the one third part to the poore of the towne where the penaltie falleth, and the other third part to the accuſer, and the other third to the Officer who ſhall challenge the execution to be done; vnleſſe it were that the ſaid forfeitures did exceed the ſum of fiue thouſand Guilders: in this caſe the one halfe ſhall be for the benefit of the common Cauſe, and the other halfe to be diuided proportionably betweene the ſaid three parties. And to the end the accuſer ſhall do his vttermoſt diligence herein, his name and perſon ſhall be concealed ſo long as poſſible it may be.

27 And herein we vnderſtand, That not onely the perſon which hath committed the ſaid treſpaſſes ſhall be ſubject to anſwer for himſelfe, but alſo for them of his Family: the husband for his wife, the parents for their children, the maſters and miſtreſſes for their ſeruants, men or maids, vnleſſe it were the ſaid ſeruants had done the ſame without their priuitie or knowledge.

28 And to the end that this our preſent ordinance may be kept and fully accompliſhed in all her points; We do order and bommand all the officers of our ſaid Prouinces, and euery one in his office, to haue an eſpecial care and regard of the infringers and tranſgreſſours of this our Ordinance, and to bring them before the Magiſtrates of their juriſdiction: Without that the ſaid forfeitures be any waies diminiſhed, vpon penalty to be depoſed of their ſaid offices, and euer after to be diſabled to ſerue in any office, without that they may excuſe themſelues by ignorance, or by a generall tranſgreſſion of our ordinance; which excuſe ſhall not be auailable vnto them, but Our intention is to puniſh them for their negligence and ſloath.

29 We do further command all Magiſtrats and Iuſtices, That ſetting aſide all other buſineſſes and affaires, they do proceed herein ſummarily, only the truth of the fact being knowne, to the condemnation of the tranſgreſſors, as ſoone as by two Witneſſes they ſhall be conuicted. And herein ſhall the teſtimonie of the like Offendor be admitted, and their ſentences ſhall be without appeale or any preiudice.

30 We will and command, That whenſoeuer it ſhall manifeſtly appeare that the perſons haue tranſgreſſed, and are found vpon the fact, or that by two Witneſſes the ſame can be proued againſt them, the offendor ſhall be bound to depoſit the ſaid Forfeitures before he ſhall be admitted to defend himſelfe by the Law, whereunto hee is to be compelled inſtantly, by the apprehenſion of his perſon, and otherwiſe: and if it be found that he is not able to pay the ſaid penalties, hee ſhall be puniſhed by corporall puniſhment, as the cauſe ſhall require.

31 The Iudges and Magiſtrats ſhall haue no authoritie to diminiſh or moderate their decrees & ſentences concerning the ſaid penalties, vpon forfeiture to pay themſelues the double value thereof: and if any of the ſaid offendors ſhall obtaine of the higher Powers anv fauor or abatement, yet ſhall they be bound to ſatisfie the Accuſer and officer for their ſaid part proportionably, according to the ſaid forfeitures.

32 And to the end that our ordinance may be better obſerued, we doe will and order, That the Councell of State of the ſaid Prouinces vnited ſhall call before them the Receiuer Generall of the ſaid Netherlands, the Receiuer of the Contributions, Confiſcations, and other ordinary means which are letten to ferme, or to be collected, together alſo with the Commiſſaries, Clerkes and ſeruants of Counting-houſes, as

alſo

alſo the Commiſſioners of Muſters, Amunition, and Wagons, and to cauſe them ſolemnly to ſweare to obſerue and keepe all the points and Articles of out ſaid Ordinance.

33 The Councell of State alſo ſhall appoint Commiſſioners for Muſters, to take by the courſe thereof the Oath of all Colonels, Maſters of horſe, Captains, Lieutenants, Ancient-bearers, Serjeants, Clerks, and Solicitors of companies in our ſeruice militarie: which oath being taken, ſhall forthwith by forme of Act be ſent vnto the Councell of State.

34 Likewiſe that the Councell of Admiraltie, the Officer of Convoyes, maſters of Licents, their Commiſſaries, Clerks, and Seruants, and others that are accountable, ſhall do the like.

35 We do further order, That the Committees of our Councell, Councell Provinciall, or of Finances of euery reſpectiue prouince, for themſelues, or their Committees ſhall call before them all accountable Officers, as well Stewards of the demaines and ſpirituall liuings, Receiuers of the ordinarie means, Collectors of tolles, and all others, with their Clerkes and ſeruants, which haue the managing of Coines of particular prouinces. *Item* the Regiſters and Secretaries, Advocates, Proctors, Warders of Colledges, Courts, and Chamber of Finances, to take the aforeſaid Oath.

36 The Committees of States, and their Deputies or Councell Prouincial, ſhall haue care alſo, that all the townes and villages of the ſaid reſpectiue Provinces, ſhall take the ſaid Oath before them that are accuſtomed to take the ſame: and where the ſame cannot conueniently be done, the ſaid Committees of States, their deputies and prouinciall Councell, ſhall appoint in all townes and villages ſome perſons to take the ſaid Oath, before the Borough-maſters, Magiſtrats, Treaſurers, and Secretaries of the ſaid townes and places. Alſo the Gouernors of the Eaſt-India Company, and all other Companies already erected, or which hereafter ſhall be erected, as alſo all Treaſurers, Receiuers, Rent gatherers, and their Committees, or Clerks of Lords, Princes, Earles, Barons, and other of higher powers: *Item*, all Deacons of Churches, Maſters of the Hoſpitals or Orphants, Almoners, and all thoſe that ſerue in Almes-houſes, houſes of Correction or Colledges, and their ſeruants. *Item*, all Bankers of monies, their Deputies and ſeruants, all Maſters of Corporations or Societies, Maſters of handie-crafts-men, or trades, ſuch as liue by Rents, Merchants in Groſſe or by Retaile, Shop-keepers, Brewers, Wood-mongers, Herring-mongers, Cheeſe-mongers, Dyers, Beere-mongers, Inne-keepers and Tapſters, and all thoſe that vſe any trade: *Item*, all Chamberlaines and Notaries reſorting vnder them, Collectors of ſmall duties, Farmers, Impoſt maſters, and of conſumptions, Tole-gatheres, gatherers of poundage, Brokers, and their Committees, Clerks and ſeruants within Townes and other places reſiding reſpectiuely vnder them. And further all thoſe that the Magiſtrate of euery Towne, place, or Village ſhall hold conuenient or iudge to be neceſſary ſhall take the ſaid oath, vpon penaltie (in caſe of refuſall) to pay euery day three guilders ſo long as they do not performe the ſame according to the Proclamation: and moreouer to loſe their freedome of a Citizen, and of their trade, office, or trafficke; ſo as no man ſhall be admitted vnto his office, trade or trafficke to exerciſe the ſame, vntil he haue firſt (in conformitie of Our ſaid Proclamation) taken the ſaid oath.

37 We haue alſo concluded and thought good, That the Councell of State, the Councell of the Admiraltie, the Committees or Deputies of the ſaid reſpectiue Prouinces, and all Courts of Iuſtice, ſhall promiſe vnder their Signature, vpon the oath they tooke at the entrance of their office, to keep all the ſaid points and Articles, none excepted. And the ſaid Courts of Iuſtice, ſhall (in forme of Act) ſend the ſaid oath of all the ſaid ſeuerall perſons mentioned in the former Article to the ſaid Lords, Eſtates of the ſaid reſpected Prouinces, or in their abſence to the Committees or Deputies of States, within fourteene daies after the publication hereof: which Committees or Deputies of States ſhall within other fourteen daies after that, ſend the ſame vnto the Eſtates Generall, to know thereby that this Our ordinance is receiued, and the obſeruation thereof eſtabliſhed: the like is to be done by the Councell of State, or of the

Admiraltie

Admiraltie and their Committees or Deputies,and others within the time aforeſaid.

38 Ouer and aboue all the aforeſaid oathes,to be done reſpectiuely by euery one, the ſaid Prouinces haue mutually promiſed,and by theſe preſents do promiſe each to other, to obſerue and cauſe to be obſerued the ſaid Proclamation in all & euery point and Article,without any alteration to be done therein, making void and annihilating from hence forward all particular grants,conſents,ordinances,priuiledges, permiſſion or command,which (contrary to the ſaid valuation) in part or in the whole, by any of the ſaid Prouinces, Townes, Colledges, and Magiſtrates, or other members of the ſame,might be giuen and granted,being oppoſite to the common good and welfare of the countrey.

39 Alſo becauſe that hereby the ſaid valuation is much eaſed, for the multitude of coyne, whereby it is apparant, that many coynes of Gold and Siluer Bullion ſhall be incident in theſe Prouinces, to the end Our inhabitants be not ouermuch charged with the ſame,but with the leaſt grieuance might be freed thereof; We wil and command the Generals of Mints,inſtantly and with all ſpeed,to take care that in all towns of theſe vnited Prouinces,with the approbation of the Magiſtrats reſpectiuely,where there are no Bankes of Exchanges, nor Exchangers, there be appointed one or more perſons of credit and reputation(as the conueniencie of the place ſhall require) to be Exchangers:and in places where ſuch perſons are to be found as are fit thereunto, that the Magiſtrates ſhall procure them,and giue them honeſt recompence,and to furniſh them with conuenient inſtructions and commiſſions, vnto whom or into the Mints, euery man hauing Bullion ſhall deliuer the ſame,as is mentioned in the Manuals thereof: prohibiting vnto all men that are not authoriſed thereunto, not to meddle with any exchanging function directly nor indirectly, vpon forfeiture of fifty Netherland Golden Ryders *in ſpecie* for the firſt time, and double the ſecond time, beſides arbitrable correction:the one third part to the benefit of the officer,the other third to the accuſer, and the other third to the Exchangers of the place where the ſaid penalties or forfeiture ſhall happen.

40 And for the better obſeruation of this preſent ordinance and command, We do order and command, That the ſame ſhall be publiſhed in all accuſtomed places where Proclamations are made, euery three months preciſely,and as often as occaſion ſhall require to be renued and publiſhed; requiring therefore the States of euerie reſpectiue prouince,and their Committees or Deputies of States to cauſe the ſaid publication to be done at the daies nominated.

41 Finally, albeit We haue cauſed the ſaid valuation to be eſtabliſhed vpon a firme and ſure ground,without limitation thereof to any time certaine: neuertheleſſe to accomodate, and for remarkable reaſons; We haue condeſcended and tollerate, that the following ſpecies of Gold only and none other, ſhall be iſſued and receiued for the prices hereafter,vntill the laſt of September now next enſuing.

42 Prouided alwaies,That all ſentences pronounced before the date of theſe preſents, for the payment of any moneys according to the permiſſion of that time, ſhall remaine and be maintained and ſatisfied according to the tenor thereof; without that by the ſaid valuation or following tolleration,any thing to the contrary ſhall be innouated or aboliſhed.

43 Alſo during the ſaid tolleration, no coyns to be paid for lands or heritages,or rents vpon Bils,or payments vpon Obligations (vntil Ianuary laſt) ſhall be drawne againſt the will of the party to the ſaid prices of tolleration,but are to be performed according to this preſent valuation.

44 Likewiſe the ſaid Bankes of Exchanges, ſhall haue no power to take in payment the ſaid coins at higher prices,nor to iſſue the ſame otherwiſe than the ſaid finall valuation,and not according to the following tolleration, which (as vnneceſſarie) are here omitted,the time being expired.

¶ *Obſer-*

¶ *Obſeruations concerning the ſaid Proclamation and Ordinance.*

THat the maner of popular oouernments in their Proclamations, Placcarts, Edicts, and Ordinances doth much differ from the Proclamations which are made in Monarchies where Magiſtrates and Iudges are of greater reputation and dignitie, according to their royall Parlements.

That in the yeare 1594, all mints ſtood ſtill for one whole yeare to preuent the inhancing of coyne betweene man and man: and the ſaid States did declare, that it was not in their power to reforme the ſame, ſo long as the ſeuenteen Netherlands were diuided; euery one claiming as abſolute authority as the other, as members of one body. And that now they haue deuiſed a courſe to make their Proclamations effectuall within the vnited Prouinces, to their great benefit, if we will conſider the nature of the former valuation of coynes made by Princes and Merchants, with their ſeuerall branches, which by policie are made inconſtant. And Germany, Fraunce, and other countries, haue not as yet taken any courſe in their monies, anſwerable thereunto.

That the Lyon Doller, and the great golden Royal of the ſaid vnited Prouinces are valued and made the ſtandard peeces of all the gold and ſiluer coynes made currant by this Proclamation. And that all other coyns of what Kingdomes or States ſoeuer are made Bullion, and not to be currant within the ſaid Prouinces.

That ſiluer coynes ſhall be weighed as well as the gold, whereby a more certainty may be made in the calculation of the Par for exchanges, the rather for that their ſpecies, are far leſſe in number, and the proportion betweene gold and ſiluer can be better diſcerned; yet without the rule of exchanges by bils, ſtill great aduantages may be taken by one nation againſt another.

The coyning of moneys is a marke of ſoueraignetie, ſo that the melting of money is a great matter of State.

That the ſcope of this Proclamation is to ſet their Mints on worke by aboliſhing all the ſeuerall coyns of gold and ſiluer of all Kingdomes not valued or made currant thereby, which may be ſeen by the former declarations of their weight and fineſſe; in ſo much that whereas in the yere 1586, when the Earle of Leyceſter went ouer to take the gouernments of thoſe countries, by the direction of the late Queene *Elizabeth* of bleſſed memory, the Lyon Doller (made now to be the ſtandard peece) was valued at thirty ſix Stiuers, and the Engliſh ſhilling (which is now required to be deliuered by weight) was valued at ten Stiuers: And now the ſaid Lion Doller (albeit decreed after the former inhancement) is ſtill valued at forty ſtiuers, which is one ninth part, increaſed, according to which the Engliſh ſhilling ought to be increaſed alſo $\frac{1}{9}$ part, which for 10 Stiuers would be 11 Stiuers and $\frac{1}{9}$ part, whereas the ſame is inhanced but to 10 Stiuers and one halfe, and no more. The difference in exchange (according to valuation) being in the one after the rate of 35 of their ſhillings, for our 20 ſhillings, and in the other aboue 37 ſhillings in the main ſtandard coyne, and much more in the ſmaller coynes, whereof more hereafter concerning Exchanges.

Decreed foure vpon the hundred.

The like conſideration is to be had for the valuing of moneyes of other countries, whereby authority will rule their owne, and not according to the rule of other Nations, but by equality and equity, which no Nation can controll or contradict: wherein conſider we likewiſe the ſtandard peeces of the late Arch-Duke *Albertus* of Auſtria for the vnited prouinces, declared by their Proclamation in the yere 1611, and we ſhall find the like ground and foundation to their aduantage, albeit they ſeem to find fault with the diſorderly courſe of moneyes, which is one of the greateſt policies in State-affaires. The ſaid Arch-Duke made (as now the States haue done) his owne coyns of gold and ſiluer for Standard peeces, namely the double Ducat of 23 carrats, $3\frac{1}{2}$ grains of Gold, at 7 Guilders and 18 Stiuers: and the peeces of three Royals, at 15 Stiuers of ten ounces and eighteene grains fine, by their calculation in the pound weight Troy. And by theſe means there is a new foundation laid downe for moneyes in the ſaid 17 Low-Prouinces, where heretofore they alwaies had the *Phillip* Doller of ten ounces fine, and the Emperors Royall of gold of 23 carrats $3\frac{1}{2}$ graines fine for their ſtandard peeces. *Qui vadit plane vadit ſane*, taketh not alwaies place.

Moderne and ancient ſtandards of gold and ſiluer.

Laſtly

Laſtly, that the Mints of certaine Lords are called Hedge Mints, which are not vnder their command, as Batenborg, Heall, Bargen, Vianen, Gronſwelt, Rechein, Geuarden, Stenwart, and others, may follow their owne course in the coyning of moneys, and by the means of commerce alter all theſe ordinances. For in the ſaid yeare of 1586 all the ſaid forfeitures and penalties were far greater, and the melting downe of Queene *Elizabeth* her coyne was prohibited vpon paine of death and goods; yet all was neglected, and came into diſorder by the command of Gaine, which being taken away by a true courſe of exchange, is the only remedy to make the effects to ceaſe, and all othet means are fallacies, and to be abuſed, &c. Hedge Mints.

CHAP. X.

Of the Lawes and Prohibitions againſt Vſurie.

MAny are the Authors which haue written againſt Vſury in all ages, euery man according to his profeſſion, moſt eſpecially the Diuines, who haue the word of God for their warrant, wherein alſo the ancient Fathers haue been very ſtrict to conſtrue the ſame accordingly, making any thing taken aboue the principall to be Vſurie, becauſe the very word of vſury in the Hebrew tongue is called a Biting, of this word *Neſhech*, which is nothing elſe but a kind of biting, as a dog vſeth to bite or gnaw vpon a bone, ſo that he that biteth not doth not commit Vſury; for Vſury is none other thing than a biting, as I ſaid of the very Etimology and proper nature of the word, otherwiſe it cannot be called *Neſhech*, as the Hebricians ſay. Definition of Vſurie.

According to the definition then of biting Vſurie, we are to proceed in this diſcourſe, after that we haue briefly declared the Lawes and Prohibitions againſt Vſury, wherein we muſt begin with the holy Scripture, obſeruing theſe places.

God ſaith in the 22 of *Exodus*, *If thou lend Money to any of my people that is poore by thee, thou ſhalt not be an Vſurer vnto him, neither ſhalt thou oppreſſe him with Vſury.* In another place, *If thy brother be waxen poore and fall into decay with thee, receiue him as a ſtranger, or a ſojourner, and let him liue by thee, and thou ſhalt take no Vſury of him, nor yet aduantage, but ſhalt feare thy God, that thy brother may liue with thee. Thou ſhalt not lend him thy Money vpon Vſury, or lend him of thy food to haue an aduantage by it.* Adde vnto this the places noted in the margine, and ſo let vs come to the holy ancient Fathers. Saint *Ierom* ſaith, There is no difference betwixt Vſury, Fraud, and violent Robbing. Saint *Aug.* ſaith, An Vſurer is he ſaid to be who doth demand more in Money, or any other thing elſe, than he hath deliuered: according to which the ſaid Saint *Ierom* alſo ſaith, That ſome do think Vſury to be onely in Money; but let them well vnderſtand, that Vſurie is an ouerplus in any thing aboue that which was lent. Saint *Ambroſe* likewiſe ſaith, If any man take Vſury he doth commit extortion, rapin and pillage, and ſhall not liue the life; as who ſhould ſay, he ſhould dye therfore. To omit many other of the ſaid ancient Fathers, Saint *Bernard* ſaith, That the Vſurer is a theefe in law, becauſe the Ciuile law telleth him before hand what it is that he muſt rob from others, as who ſhould ſay, ſuch Lawes as permit Vſurors are lawfull theeueries. Hereupon the Canoniſts haue made Vſurors to be defamed perſons: and if any man make (by his laſt Will and Teſtament) any goods vnto them, the Teſtament may be broken, neither are they to communicate with chriſtians, or to enter into their congregation to offer any oblation; and Holy Scripture. *Leuit.* 25. *Deut.* 23. *Pſal.* 15. *Ezech.* 18. *Matth.* 5. *Luke* 6. Ancient Fathers. *Amb. de bono mortis.* Canon Law.

when they are dead, they ſhould not be buried in Chriſtian buriall, and if they be, the doers thereof are excommunicated.

Decretals. Decretals and Clementines, made by diuers Popes, are directly againſt Vſury. *Alexander* the Pope doth ſtraightly forbid all Vſury, not only vnto the Clergy, but alſo vnto the Laitie. In the booke *Sextus Decretalium*. *Gregory* the tenth Biſhop of Rome of that name, ſaith, We (being deſirous to ſtop the gulfe or whirlepooles of Vſury, committed, which doth deuoure ſoules, and vtterly waſteth wealth) do command vpon the threatnings of Gods curſe, that the conſtitution of the later Concile ſet forth againſt Vſurors be without any violation at all, fully & wholly obſerued: and thereupon a prohibition is made, That no Corporation, Colledge, or Vniuerſity ſhall let any houſe or dwelling place to any ſtranger Vſuror.

Ciuile Law. *Baldus* the Ciuilian ſpeaketh bitterly againſt Vſurors in his booke of Councells, ſaying, That Vſurie is a gainful Piracy, contrary to nature, vpon the loane of any thing that conſiſteth vpon Number, Weight, and Meaſure. *Bartolus* ſaith, That all Vſurie is vtterly forbidden, and offenſiue to God and man: So doth *Panormitane*, and diuers others learned in the Ciuile Law.

Ariſtotle. *Ariſtotle* in his Politicks ſaith, That ſuch money as bringeth forth money through vſury is an ougly beaſt that bringeth forth monſters from time to time, ſuch as are not in nature.

The Romans being in their moſt flouriſhing eſtate, made a law by their twelue Tables, that no man ſhould put forth money vpon Vſury, but after one in the hundreth, called *Fœnus vnciarium*, whereas before that time, rich men might take at their pleaſure. Afterwards it was ordained at the intreating of the Tribunes to take an ounce and a halfe, and that was thirty ſhillings in one hundreth pounds: after that it came to foure in the hundreth called Triens: and laſt of all to ſix in the hundreth, called Semiſſis. And yet all theſe alterations and diuerſities of ſuffering in Vſury notwithſtanding,

Genitius Law. one *Genitius* a Tribune publiſhed a Law, That it ſhould not be lawfull for any man to be an Vſurer at any hand, or by any manner of means; and ſo by all deuiſes that might be, it was vtterly forbidden by diues Edicts and Proclamations, which being often repreſſed, did yet notwithſtanding breake out by wonderfull ſtrange means. Wherefore *Tiberius Cæſar* to remedy this euill, and that no Vſury ſhould be vſed, he cauſed a maruellous maſſe of money to be laid in banke, to the ſum of two millions and an halfe of Crownes, being 500000 pounds Engliſh or ſterling, and tooke order that euerie man ſhould haue credit for three yeares without paying any Vſury at all, putting in ſuretie

Cornelius Tacitus. for the double value of that he borrowed. And *Cornelius Tacitus* (a renowmed Writer) ſaith, The canker of Vſury is an old venomous ſore, and the chiefeſt head and cauſe of rebellion and variance in Countreys and Common weales; and therefore it was altogether baniſhed in the old time, when leaſt corruption of life appeared amongſt men. *Lucullus* ſo hated the exceſſiue dealings of the Vſurers, that whereas all Aſia was ouerwhelmed with Vſury, he cleered the ſame vtterly from all Vſurers. And ſo did *Cato* in Sicilia.

Emperours. *Anthoninus Pius*, *Alexander Seuerus*, *Claudius Veſpaſian*, *Leo*, and diuers other Emperors did reſtraine the couetouſneſſe of Vſurors from time to time: And the Emperor *Charles* the fifth (of late yeares) at an aſſembly at Auguſta in Germany, did conclude with the aſcent of the whole Empire, That no manner of contract that had any fellowſhip with Vſury ſhould be allowed; but rather that all Vſury ſhould be auoided for euer, and be neuer more vſed, and if any were found to haue made any ſuch contract, the ſame man to forfeit to the Magiſtrate or ordinarie Iudge, the fourth part of his principall ſumme.

Philoſophers, and Orators. *Plato* the Philoſopher warneth among other things, in his fifth book of Lawes, That no body whatſoeuer he be, that will beare the face of an honeſt man, do let out his money for Vſury or gaine. The like ſaith *Cicero*, and many other learned Philoſophers and Orators, as we haue noted of *Ariſtotle*.

Law-giuers. So did diuers Law-makers baniſh vſury, and vtterly ſuppreſſe the ſame; as *Licurgus* in Sparta among the Lacedemonians, *Amaſis* in Egypt, *Solon* in Athens, *Sergius Galba*

in

in Africa, being gouernour vnto the Emperour *Claudius*, and diuers others. So that Vſurie is condemned and forbidden by the holy Scripture, the Imperiall Lawes, Ciuile and Canon Lawes, ancient fathers, Decretals, learned Philoſophers, eloquent Orators, Hiſtoriographers, and Law-giuers. The conſideration whereof cauſed me (ſome yeares ſince) to write a ſmall * Treatiſe of the operation of Vſurie in Kingdomes, States, and Common-weales; ſhewing (although allegorically) the effects of it, with the ſix members of euery Common-wealth; which are Clergie-men, Magiſtrates, Noblemen, Merchants, Artificers, and Husbandmen, by ouerthrowing the harmonicall gouernement of them, by too much inriching ſome, and by oppreſſing and impoueriſhing ſome others, bringing the inſtrument out of tune, when as euery member of the ſame ſhould liue contented in his vocation, and execute his charge according to his profeſſion, whereby all things ſhould be gouerned in the beſt and moſt aſſured manner that can be deuiſed, and (as it were) ſeeking a kinde of certainetie in vncertainetie, which is termed (Policie:) For all worldly and tranſitory things being mutable, maketh the world properly to conſiſt of diſcord and diſſention, a very vncertaine ground to build vpon, and yet a certaine equalitie and concord is required in euery well gouerned Common-wealth, the Prince and gouernour hauing the diſpoſing both of the one and the other: Equalitie, concerning trafficke and commerce betwixt his dominions and other countries; and Concord amongſt the members of a Common-wealth, when euery member thereof doth liue contentedly and proportionably in his vocation. Both theſe are confounded by intollerable Vſurie, which is deſcribed vnder the inuented hiſtory of Saint *George*, whereby our Sauiour Chriſt was prefigured, deliuering the Virgin (which did ſignifie the ſinfull ſoules of Chriſtians) from the Dragon, or Diuels power. So by the perſon of Saint *George* is vnderſtood the Kings authoritie, armed with the right armour of Chriſtians, who with the ſword of the Spirit of Gods moſt holy Word, explained and corroborated with ſeuerall other Lawes, ſignified by the Pybald horſe whereon he was mounted, did deſtroy the Dragon (Vſurie) hauing two wings to aduance himſelfe, being *Vſura palliata*, and *Vſura explicata*, and his inconſtant taile *Cambium*; the Virgin or Kings daughter (being treaſure and monies) to be deuoured by his meanes and forraine nations. The allegorie whereof requireth a due conſideration, and would in plaine termes be diſtaſtfull to diuers. This Dragon bringeth inequalitie in a Common-wealth by the meanes of his taile, wherein lieth his greateſt ſtrength, making the expences thereof to ſurmount the reuenues. In the curing of which diſeaſe, thoſe would be thought to be very fooliſh Phyſicians, that by their medicine ſhould caſt the Body Politike of a Common-wealth into a more dangerous ſickeneſſe. Wherefore as the wounds of this Dragon (Vſurie) are inueterated, ſo muſt he be dealt withall by degrees and lenitie, admitting him for the time (as moſt States and Gouernments doe) as a neceſſarie euill, in regard of trafficke and trade; albeit that many Vſurers are like vnto Iewes, who thinke it lawfull for them to take any forfeiture, be it neuer ſo vnequall and vnjuſt, any morgage, any pawne, nothing is amiſſe for them; they are not affraid of that wenne which wee call *Anatokiſmos*, that is, Vſurie vpon Vſurie: no, they dread not to take tenne vpon the hundreth if it were for a weeke.

* Stint *George* for England.

The Hiſtorie of S. *George*.

A neceſſary euill.

The pretence of the Iewes is becauſe we are ſtrangers, as if we were all Canaanites, or ſome of the ſeuen Nations which were as well to be oppreſt by Vſurie, as to be rooted out by *Ioſuah*: but theſe men cannot alleadge any thing in their defence, but greedie lucre.

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CHAP. XJ.

Of Vſurie Politke, and Moneys deliuered at Intereſt.

IN the precedent Chapter you may perceiue what Lawes and Prohibitions are made againſt Vſurie: and neuertheleſſe the practiſe of it is moſt vſuall in many Kingdomes and Common-weales, and the Lawes are alſo made accordingly; for this ſinne is rather in the conſcience, than in the act, and therefore there is no penalty impoſed vpon it by by Gods Law. True it is that the Statute Law of England doth tollerate ten vpon the hundreth, and ſo do ſome other Lawes twelue and more: But the intent and not the rigour thereof, is to be weighed for the cleering of Iuſtice; and the preamble of the ſaid Statute Law in the narratiue part ſaith, That whereas Vſurie is againſt all Diuine and Humane Laws, yet tenne vpon the hundreth is tollerated to be taken for the yeare, which by way of forfeiture in the nature of a puniſhment may be ſued for by Law: but if there be neuer ſo little taken aboue the ſaid rate of tenne vpon the hundreth for the yeare, the principle is loſt and treble damages.

Threefold Vſurie.

The word Vſury was not ſo odious in times paſt, as it is now taken by the abuſe of Vſury Politike, no more than it is in Vſury Naturall, and Vſury Spirituall: and my meaning is not to maintaine Vſury Politike in all reſpects, contrary to the opinion of Diuines that haue the word of God for their warrant; but the ouer-preciſenes therein may breed a great inconuenience to the Common wealth. The Law of God did not puniſh theft by death, but only by reſtitution; and as *Cato* ſaith, When a theefe was puniſhed to pay the double of that he had taken, the Vſurer was alwaies condemned to pay foure times the value. The lawes therfore are made according to the alterations of times, nature, condition, and diſpoſition of the people, and ſimply to ſay that any thing taken aboue the principall is Vſury, is wonderfull ſtrict, vnleſſe you take the word Vſury to be Biting, becauſe the ſame is neuer hurtfull but where it biteth; and the matter of conſcience conſiſteth in the not getting of your debtor, and not in the taking of much or little intereſt: The Vſury is greater therefore to take but two or three vpon the hundreth of one that maketh no benefit of the money, than to take ten or twelue vpon the hundreth of a Merchant, who maketh a greater gaine thereby, according to the holy Scripture, *Pecunia non poteſt parere alienas negotiari miſerias; fratrem non mordebis, non munera ſuper innocentem*, which was the cauſe that by the Lawes of the Romanes, he that tooke Vſury of the poore was more puniſhed than he that took, nay than he that did ſteale from the rich: for no man is bound by law or otherwiſe admoniſhed to lend mony vnto thoſe that haue no need of it; and there is on the other ſide a conſcience to be vſed, if a man haue gotten well by another mans money, and doth pay the ſame again without any intereſt or profit.

Cato de Ruſtica.

Alſo in caſe of intereſt taken it is conſiderable, That if I do lend money to him that hath need, and can afterwards proue that for want of that mony I haue ſuſtained great loſſe, or if my debtor do break day with me when I look to haue it at the time appointed, and ſo am endangered to my neighbor for my neceſſary paiments, it is great reaſon that my debtor beare my loſſe, rather than I ſhould ſuſtaine harme or daunger for my good will. And this is defined to be a gain to be taken, *ex damno habito*, and it being ſo, is improperly called Intereſt, in defence of Vſury. In like maner, if a ſhop-keeper lend money freely to his neighbour till ſuch a day, hauing then occaſion to vſe it at ſome Faire to lay it out in wares, if he break touch, the ſhop-keeper may in iuſtice take the benefit

Vſurie *ex damno habito*, improper.

benefit for his money, loſing the profit which he ſhould haue had by the wares which he was hindred to buy, and this is taken for *lucro ceſſante:* But in neither of theſe was an intention to deliuer money at Intereſt. *Ex lucro ceſſante.*

Some are of opinion, That it is better for them to deliuer their mony by exchange, and that therein they are leſſe to be euill thought on, than by dealing vpon Vſury: But this difference conſiſteth onely in the name; for they haue both an intention of gaine vpon mony, and do beare an aduenture for the loſſe of their moneys: whereas the one is bound to receiue but ten vpon the hundreth at the moſt, and the other doth expect fifteen or twenty vpon the hundreth at the leaſt, onely in regard he beareth an aduenture to loſe by exchange (which is very ſeldome:) but ſtill the intention remaineth, which ſhould be the ſureſt guide of conſcience to take away all counterfeit pretences. Difference of gain by Vſury and exchange.

The Venetians and others allow no Intereſt at all, but approue the benefit & courſe of exchange, although it be aboue Intereſt.

By the aforeſaid rules, Vſury is weighed ſtraightly in regard of Charitie, albeit it may fall out otherwiſe that the borrower hath ſinned; therefore in ſuch caſes circumſtances are to be conſidered, and then iudgement to be giuen accordingly. If I deale with a Merchant that maketh gaine of my mony with his trade and commerce, and is well able to pay me againe, being chiefly inriched by my means; why ſhould not I in reaſon haue part of his benefit and aduantage, when by my goods he is growne rich? Suppoſe foure men are become partners, two do diſburſe large ſummes of money, and the other imploy their labour and induſtry to make (by lawfull trade) a great benefit thereby, is it not reaſon that the other two (although they were idle at home) ſhould haue part of the benefit? You will ſay, you hold this reaſonable, for it is no Vſurie at all: but theſe two men take ten in the hundreth for their mony; nay, then you reply and ſay, It is Vſury, although the other two had gotten thirty in the hundreth by it: How can this be a biting Vſurie? But they haue not borne the aduenture of the Seas, but conditioned a certainty; the anſwer is, That they haue not only borne the aduenture of the Seas, but many other caſualties beſides, and in truſting them that had no means of their owne: Well therefore, ſay you, I wil not deliuer my mony but to rich men; herein you ſhew no charitie, and may be deceiued too, for you know not what money a man hath in his purſe; ſo that your conſcience is ſtill the ſureſt guide to direct you with prudence, as the loadſtone doth the variation of the Pole. So much for particular perſons. *Obiection.* *Anſwere.*

Now comming to examine what the Kings of England haue done concerning Vſury, we find that both before the Conqueſt and after, Vſurie hath been baniſhed by ſome Kings, and by ſome other Kings it hath been tollerated, according to the times and occaſions.

King *Edgar* before the Conqueſt, did vtterly forbid all Vſury; ſo did King *Edward* the firſt, who did ſend out of this Realme, as well the Italian Bankers that came from Pope *Gregory* the tenth, called *Curſini*, as all manner of Iewes, who did mightily oppreſſe the Realme. To omit what other Kings haue don we know that *Henry* the eight, in the 37 yeare of his raigne made a ſtatute, whereby none were ſuffered to take aboue ten in the hundreth vpon loane, either for wares or money: and this was repealed by the Statute of *An.* 5. *Edw* 6. which afterwards being found againſt Policie was abrogated. So the Statutes of Queen *Elizabeth* did ſucceed, which do tollerate the ſaid ten in the hundreth, which are of ſuch ſtrength and continuance at this preſent, that King *Iames* himſelfe is contented to allow the ſaid rate to the Londoners for ſome moneyes borrowed of them; wherein (as I ſaid before) time and occaſions do alter things, and as the caſe for the preſent ſtandeth with England and forrein Nations, we haue Vſurie like a Wolfe by the eares, dangerous to be kept, and more dangerous to abandone the ſame. This Vſury being indeed exerciſed to the poor or to the rich, without reſpect of damage enſuing, becommeth intollerable: But in caſe of Intereſt, when time of payment is neglected in the ſtate of orphants in mutual hazard, or in hazard publike, ſimply to diſallow it is to cut off all trade and commerce, or reparation of damages, and to go about to remedie a miſchiefe with a greater inconuenience. Bankers ſent out of the Realme. Where Vſurie is allowable.

The

The Law of *Iuſtinian* the Emperour, doth therefore moderate the courſe of Vſurie, which is much to be regarded, where the words are thus, as followeth.

I. Cos. C. de Vſuris.

„ We haue thought neceſſary to make a generall Law or Statute touching the quan-
„ titie of Vſurie, bringing the old, hard, and moſt grieuous weight of the ſame, to a cer-
„ taine moderate ſtay or meane rate. Therefore We command thoſe Noble men that
„ are Earles, or their betters, that they doe not make any ſtipulation or firme bargaine
„ by any manner of contract whatſoeuer, great or leſſe, for Vſurie or gaine to be had
„ aboue foure in the hundreth. Thoſe that are guardians or gouernours ouer handie-
„ crafts men, or places where Artificers doe worke, or elſe doe vſe any lawfull trade of
„ Merchandiſe; We will that they ſhall moderate their ſtipulation, or firme promiſe
„ taken in any bargaine to eight in the hundreth. And as for thoſe that do aduenture
„ their goods beyond the Seas, and put out their ſubſtance vpon their owne hazard;
„ ſuch may lawfully demand by firme promiſe to receiue twelue in the hundreth, and
„ in no wiſe to take aboue that rate; although by the old Romane Statutes it hath beene
„ lawfull to exceed. And We will that all other men ſhall take only ſix in the hundreth
„ aboue the principall, and the ſame quantitie of exceſſe in no wiſe to be enlarged in
„ other contracts, where Vſurie is wont to be demanded without ſtipulation or coue-
„ nant made: neither ſhall it be lawfull to the Iudge to increaſe the foreſaid taxation or
„ rate made, by reaſon of the Cuſtome vſed in any Countrie, &c.

This Imperiall Ciuile Law, hauing a regard to the qualitie of perſons was duely obſerued, albeit the lender of the money could haue taken more, when the borrower would giue it to ſerue his occaſions, without this preciſe obſeruation of the qualitie of perſons. A matter conſiderable now adaies ſince the Weſt-Indies haue beene diſcouered, whereby the currant of Monies is diuided into many Countries, and runneth alſo according to occaſions, and the Policie of States and Merchants. For the tolleration and permiſſion to deliuer monie at Intereſt, doth differ in the rate in moſt countries, taking in one place more, in another leſſe, according to the Trafficke, and Merchants deuiſes.

Difference of the rate of Vſurie.

In Poland, Lituania, Pruſſia, and other countries adjacent, when they doe abound in corne, money is commonly very ſcarce, and the price of corne thereby much abated; at which time they will rather tollerate or proclaime the monies to be inhanced in price, or to be deliuered at intereſt after fifteene, twentie, and ſometimes twentie and fiue vpon the hundreth for a yeare, or a leſſer time; hereupon preſently, great ſtore of money commeth from all places thither, which maketh the price of money to riſe. Afterwards when many ſhips are laden, and the fleet departed from Amſterdam and other places, then the intereſt beginneth to fall accordingly.

A Policie by plentie of money.

In the Low-countries it is lawfull for a Merchant to take twelue vpon the hundreth for a yeare, and after the rate for the longer or ſhorter time within the yeare. But this rate may not be exceeded, vnleſſe it be vpon ſome conditions of caſualties or aduenture.

The Romanes and Grecians made a difference as hath beene noted, according to the Law of *Iuſtinian*. But the taking of one in the moneth was moſt vſual, becauſe Merchants were the moſt lenders. And this twelue *pro centum* is to be vnderſtood alſo to be Intereſt vpon intereſt, wherein equitie is to be obſerued: for this twelue pounds being deliuered out againe vnto another, is *pro rata* as beneficiall as the 100 ℔ principall. Albeit in caſe of damage, when matters between men are growne litigious, and depending in ſuits, then the courts of Equitie will account the whole time for the forbearance of the mony, according to the yeres paſt, without any Intereſt vpon Intereſt.

Intereſt vpon Intereſt.

Polititians or ſtates-men are to haue a ſerious conſideration of the operation of this Vſurie politicke, as a propertie inherent vnto mony, becauſe that according to the rate of Vſurie men doe meaſure all their actions by trade and trafficke, or purchaſe, build, plant and bargaine in all things accordingly. And vſurie is ſo inherent, and doth properly grow with the decay of trafficke, as paſturage doth increaſe with the decreaſe of tilling. Whereupon the following conſiderations are to be handled as matters of moment, eſpecially in Kingdomes and Common-weales which haue no gold or ſiluer

Vſurie a meaſure of mens actions.

The decay of trade increaſeth Vſurie.

mines

mines of great value, but abundance of forraine commodities teturned for the great plentie and quantitie of their home commodities, wherein the high continuall rate of Vſurie may proue more prejudiciall than the aboueſaid policie of Poland, Lituania, or other countries can be beneficiall vnto them. For we ſee that generally all Merchants when they haue gotten any great wealth with vs, leaue trading, and fall to Vſurie; the gaine whereof is eaſie, certaine, and great: whereas in other countries Merchants continue from generation to generation, to inrich themſelues and the ſtate; as we find diuers renowned families in Germany, Italy, Spaine, and other countries.

There was this laſt yeare a Tract againſt Vſurie preſented to the high Court of Parliament of England, ſhewing the inconuenience of the high rate of Vſurie after tenne in the hundreth, in compariſon of the leſſer rate of ſix in the hundreth, taken in the Low-countries, where monie is ſo plentifull: and vpon this difference is a certaine operation of Vſurie noted to be predominant ouer vs, both in our trade, and other affaires. *Anno* 1621.

Firſt it is alledged, that by reaſon of the high rate of Vſurie, not only rich tradesmen giue ouer trade, but a number of beginners are vndone and diſcouraged thereby, their induſtrie ſeruing but to inrich others, and begger themſelues. Reaſons againſt the high rates of Vſurie.

Secondly, that many trades themſelues are decayed thereby, becauſe they cannot affoord ſo great a gaine as ten in the hundreth; whereas if the rate of Vſurie were no higher than in other countries, they had ſubſiſted and flouriſhed ſtil, and perhaps with as much aduantage to the publike, as thoſe that do bring more to the priuate aduentures, which ought to goe together, or elſe the common good of the ſtate is ſeldome greatly aduanced.

Thirdly, that by this diſaduantage betweene ſix and ten in the hundreth, other nations, and eſpecially our induſtrious neighbours doe out-trade and vnderſell vs, for they almoſt double the vſe allowed, which we cannot by paying ten in the hundreth; whereby alſo all contributions to the war, works of pietie, and glory, of State are better cheape to them than to vs; as alſo the buildings of ſhips or hiring of them, and all other things.

Fourthly, that aboue all the reſt, it maketh the land it ſelfe of ſmall value, cauſing the ſame to be ſold ſo good cheape, that men do not ſeeke by induſtrie any more to improue them, which is plaine both by example and demonſtration. For we ſee in other countries, where the vſe of money is at a low rate, lands are generally ſold for thirtie, fortie, and ſome for fiftie yeares purchaſe, being the beſt aſſurance, and ſecureſt inheritance which men haue, and therefore bearing ſtill a rate aboue money, which would increaſe if the rate of Vſurie did decreaſe: and conſequently labourers wages and other dependances thereupon, which are therein more amply declared, the ſcope of all tending to haue a moderation in the price of Vſurie.

Hereunto are certaine objections alſo alledged, and their anſwers to maintaine the rate of Vſurie at ten in the hundreth with vs in England; albeit other nations take but foure, fiue, and ſix in the hundreth, or $6\frac{1}{4}$ which is called rent after the penny ſixteene for ſix times ſixteene, and one fourth maketh a hundreth, after the manner of the Low Countries. Obiections to the moderation of the rate of Vſurie.

The objections are few in number. Firſt, The long continuance of ten in the hundreth and things are well enough. Secondly, That ſodaine changes are dangerous. Thirdly, That mony will ſodenly be called in, and the borrowers be much prejudiced. Fourthly, That mony will be harder to come by, and commerce much hindered. And laſtly, That Merchant Strangers money now going here at vſe, will be carried away againe, if the rate of Vſurie ſhould be called downe.

The anſwere to the firſt and ſecond objection is, That the practiſe of Vſurie hath not beene ſo generally vſed as it is now, when mens conſciences are hardened vnto it, without any ſcruple or indifferent conſideration, whereby as in bodies naturall, ſo in politicke, diſeaſes grow by the two much or the too little of a due proportion in all humane actions. And the rule that innouations are dangerous holds true, where the body naturall or politick is in perfect ſtate of health; but where there is a declining, there to make no alteration, is a certaine way to run to deſtruction. Anſwere to the obiections.

To

To the third, That money will be ſodainely called in. It may be made or enacted, that the borrower ſhall haue two yeares time for the payment of the money he oweth, paying the Intereſt, and obſeruing ſuch cautions, conditions, and limitations as may be thought conuenient.

To the fourth obiection, That money will be hard to be borrowed, it is well knowne that the high rate of Vſurie doth not increaſe in the quantitie of money (whereof hauing plenty) cauſeth commerce to flouriſh, and if mony at intereſt were called downe, what will Vſurers doe with their money? They will not keepe it by them as a dead ſtocke, for either they muſt imploy it in trade, purchaſe lands, or lend for vſe at ſuch a rate as the Law will tollerate; ſo that herein can be no hurt.

To the laſt and weakeſt obiection, concerning the money of other Nations deliuered at intereſt here, it is demanded, Whether it be meete to haue them to feed vpon the Realme, and in proceſſe of time to carry out ſuch gaines thereby by multiplication of Intereſt. For to men of vnderſtanding in caſting of accounts, it is plainely manifeſt that a hundreth pounds managed at ten in the hundreth, multiplies it ſelfe in ſeuentie yeres (being the age of a man) to an hundreth thouſand pounds, and it is therefore compared to the Butlers boxe: For euen as men when they are at play, feele not what they giue to the Boxe, but at the end of Chriſtmaſſe it makes all, or neere all gameſters loſers: ſo there are not few which continue in vſurie, that are not ruined. And ſo the ſaid Treatiſe concludeth ten in the hundreth to be biting Vſurie.

Intereſt which ſeemeth incredible.

But to apoſtrophate this diſcourſe, and to remedy the matter; let vs but procure to haue plenty of money really *in ſpecie* within the Realme, together with the meanes vſed in other countries in the lieu of monies; as the transferring or ſetting ouer of Billes betweene man and man, the paiments by aſſignement in Banke without handling of monies, and Letters of Credit, or Billes of Exchanges, as you may finde in this Booke declared. For plenty of money will not onely preuent, but alſo effect the benefits intented in the ſaid Treatiſe, making Vſurie to decreaſe in price, as in other countries where they are tollerated to take twelue in the hundreth; and yet monies are plentifully to bee had, at fiue, ſixe, and ſeuen in the hundreth: Then will the Kings Cuſtomes increaſe, and Commerce flouriſh, Noblemens and Gentlemens lands bee improoued, Merchants and Artificers bee incouraged, young beginners be inabled, labourers finde quicke imployment, and Vſurers may haue land for their monies.

Plentie of money decreaſeth Vſurie in price or rate.

Some will ſay vnto me, conſidering the premiſſes, That to take tenne in the hundreth of a rich Merchant indeed, or of any other that buyeth lands, or maketh gaine by the money, is no biting Vſurie. Herein (to qualifie the contents of this and the precedent Chapter) I note two conſiderations for that purpoſe; albeit that it ſeemeth no Comma can bee made (as it were) from the higheſt Climate to the loweſt Center in regard of the litterall words, denounced by way of curſe againſt Vſurie: For if one the one ſide, you will take all Texts of Scripture ſo preciſely as men doe, without conſtruction; as for example, *Giue to euery man that asketh of thee, Be alwaies glad, Pray alwaies*, and the like; and on the other ſide, ſo little regard them by large interpretations in taking great Vſurie, what confuſion and diſorder would this bring to the Common-wealth? Therefore to anſwere the queſtion, I ſay, That conſideration beeing had in your particular, and the partie who made benefit of your money, there is no biting Vſurie committed, and no hurt done, but rather mutuall loue increaſeth: but if there bee conſideration had of the generall, there is biting Vſurie committed, and euen vpon the poore and mechanicke people. For by your meanes (and others deliuering Moneyes at intereſt) is the ſame incorporated into rich mens hands, whereby the meaner ſort of people can haue none to ſerue their occaſions, but at very exceſſiue and abominable rates, and that vpon pawne alſo: For your deliuering of Moneyes at tenne in the hundreth and vnder, doth enable them to take intollerable Vſurie of the ſaid moſt meaneſt ſort of people, as ſhall now be declared, whereby they do (as it were) deuoure them; ſo that in all Kingdomes they are prouided for, but here and vntill that bee amended, your taking of tenne in the hundreth in

Phil.4. *Luke 18.*

Nature

nature before declared, is a biting vſury, although it do not belong vnto you to amend the ſame, but that Princes and Magiſtrats are to prouide for it. For this is a biting, nay a very gnawing to the bones of your Chriſtian brother with whom you ought to deale mercifully. As there are three ſorts of dealings amongſt men, that is, Gift, Bargaining and Lending; ſo are there three ſorts of men, the ſtarke Begger, the poore houſholder and the rich Merchant or Gentleman. To the firſt you ought to giue freely, not only to lend freely; to the ſecond you ought to lend either freely or mercifully, and not to feed vpon him with exceſſiue vſurie: but with the third you may deale ſtreightly, and aske your owne with gaine, eſpecially when hee gaineth by your money; vſing in all theſe a conſcience with diſcretion.

Three ſorts of men, and three ſorts of dealings.

Chap. xij.

Of intolerable Vſurie and Lombards.

THe apprehenſion of the continuance of intollerable vſury in England, is able to ſtupifie a mans ſenſes; conſidering the ſame is ſo abhorred of Heathens, Turks, and Barbarians, it being an euident token that our hearts are more than ſufficiently frozen ouer with the inſenſible yce of vncharitableneſſe; becauſe the cruell deuouring thereof may bee ſo eaſily preuented, And then Vſury Politike will not be biting. This intollerable Vſurie is effected by the Brokers ſelling old apparrell and houſhold ſtuffe, which do take after diuers rates, but all of them exceſſiuely, they being the fitteſt inſtruments to receiue and buy ſtollen goods, whereby all theeues are incouraged, according to the Prouerbe, *If there were no receiuers, there would be few theeues*. Moſt of theſe Brokers haue their Money maſters, to whom they pay 20 in the 100, or 15 at the leaſt; for ſome of theſe mony maſters pay themſelues 10 in the 100 vnto others, ſo that one thing driueth or inforceth another. Like as in a clocke where there be many wheeles, the firſt wheele being ſtirred driueth the next, and that the third, and ſo forth till the laſt that moueth the inſtrument that ſtrikes the clocke: or like as in a preſſe going in at a ſtraight, where the foremoſt is driuen by him that is next him, and the next by him that followes him, and the third by ſome violent and ſtrong thing that driues him forward, which is the firſt and principall cauſe of putting forward all the reſt afore him; if he were kept back and ſtaied, all they that go afore would ſtay withal. This is therefore called *cauſa efficiens*; and ſo is Vſurie Politike, vnleſſe the biting of it be hindered as ſhall be declared.

The moſt fauourable extortion by Vſurie vpon pawnes of any mooueable thing, is after 6 pence for 20 ſhillings for one month of 28 daies, which is about 30 in the 100 by the yere, and two pence for the Bill money of halfe a crowne, or 8 pence, or 12 pence for the Bill money of 20 ſ, which is more than the Intereſt, and this rate will be taken if it be for one weeke that the pawne be redeemed againe; for the intent is alwaies taken to be for one moneth. And vnder colour of the Bil money, there is for regiſtring of the pawnes likewiſe exaction made ſince there was a regiſter appointed, who doth not take knowledge of the 20 part of the pawnes, but what they will declare.

Others do take 8 pence for the moneth or weeke, with the like allowance for Bill money and regiſtring, which commeth to aboue 50 in the hundreth.

The vſual rate vpon ſmal things, is 12 pence for the week, or month as aforeſaid, and

this is ſixtie in the hundreth,and with Bill mony aboue eightie;nay,there is taken the ſhilling penny by the weeke of the Fiſh-wiues and other women ſelling ſmall wares vp and downe ſtreets, which is aboue 400 vpon the hundreth by the yeare, beſides the Bill mony,what this commeth vnto in diuided ſmall ſums is incredible. This Bill is made to deceiue the Law, and the forme of it is; Bought of *Iohn a Stile* one paire of ſtockings,one ſhirt,one band,and a hat for fiue ſhillings, witneſſe my hand the tenth of May 1622. *Io. a Stile*. And ſince the Regiſter was made,much is pawned without making of any Bills: and not contented with this horrible extortion,they will let out for gaine many of theſe pawnes and ſo weare them out, or at leaſt take the forfeiture of them,being ſure to lend about the third and fourth part of the value: By theſe meanes deuouring and conſuming the poore houſholder and mechanicall man, it being onely the remarkeable ſin of oppreſſion by exaction noted in the holy Scripture, for which firſt world was drowned.

The vſe of Lombards.

This cauſed Polititians or States-men to admit the vſe of Lombards in their commonweale,to moderate this intollerable exaction of Vſury,ſo called Lombards of certaine Italians which came out of Lombardie,wherof Lombard-ſtreet yet beareth the name ſince *Henry* the third his time. Theſe Lombards did take alſo extreame rates of 20 and 25 vpon the hundreth,as the Iewes did,and of late yeres they haue bin(by publike authoritie)admitted in Lombards of the Low-countries to take after three halfe pence a weeke for the pound of 20 ß, and one penny for the Bill, but not to be bound to pay for the moneth, which was alſo a great rate: wherein they were compared vnto retailers of ſmall wares, as Chandlers, and ſuch like, which may get 25 and 30 in the hundreth vpon wares ſold by retaile:and theſe men were the retailers of mony,and had allowance accordingly,which in the Low-countries were almoſt in euery city,& paied for it an yearely ſum of mony to the States. But now of late all this kinde of people is put out,and there are Pawne houſes, called houſes of Commerce erected; where the borrower paies but after 10 in the 100,and ſome allowance towards charges, vnder the moderation of the Iuſtinian Law, and this is declared to be done for the reaſons following.

Houſes of Commerce.

That the intollerable Vſurie committed by the Lombards migh be preuented.

That the pawnes ſhould not be worne or vſed, but ſafely kept, to be by them reſtored at all times,hauing men and women to looke vnto them.

That the vſe of twentie ſhillings for one weeke is but one farthing $\frac{1}{5}$ parts towards the paiment of ware-houſe and houſe roome,keeping of the pawnes,and entertainment of ſeruants wages,and others to manage the ſame.

That almoſt the value of the pawne may be had thereupon, if the borrower will deſire it one yeares time and ſix weekes conſidered,with the charges: during all which time he may redeeme the ſame,and pay but after the rate. But after the expiration of that time,then the pawnes to be ſold in a publike outcrie by a ſworne Officer to be appointed by the Magiſtrate: and whatſoeuer is made more thereof than the principall money borrowed and the charges, to be reſtored vnto the party, or him that bringeth the ticket,or to their heires, or within two yeares to the Magiſtrates, if no man claime the ſame,to be diſtributed to the poore.

That ſtolne goods may by theſe meanes be detected,and theeuerie decreaſe, and mens liues preſerued for the good of the Prince and State.

I hope no man will deny,but this is a commendable courſe taken for the comfort of the common people,that by intollerable Vſurie they be not deſtroyed, but as neceſſarie members of the common-wealth, they may liue in their vocation and profeſſion. Surely the famous citie of London is worthy of perpetual commendation for the education of Orphanes.

But if an Orphane come to be an houſholder,and liueth honeſtly by his handie work and labour,and hath therby gotten a little eſtate of 30 or 40 ℔ in ſome yeres,and then being viſited with ſickeneſſe(wherunto all men are ſubject)he is conſtrained to pawne his goods or ſubſtance vnto theſe vncharitable people; what a miſerable and pittifull thing it is to ſee his poore Family vndone by theſe meanes (as it were) in a moment,

loſing

loſing that which with great care, labour, and ſweat of his browes he hath been gathering for many yeares together? God is my witneſſe, that the conſideration hereof hath moued my ſoule with compaſſion and true commiſeration which implyeth a helping hand. For it is now aboue twentie yeares that I haue moued continually thoſe that are in authoritie, and others that haue beene, to be pleaſed to take ſome courſe to preuent this enormitie.

Some that God hath called, either void of charitie, or ſeeking *Priuatum commodum*, haue beene remiſſe to further the ſame, and for as much as I am (in a manner) hopeles of any ſucceſſe, and that it behoueth me being ſtricken in yeares to number my daies, I thought conuenient to publiſh the laſt Project and offer, which hath beene made to the ſame effect two manner of waies, wherein I haue ſpent time, labour, and no ſmall charges in hope that hereafter it may do good to the publike, if ſome Diuine be moued to further it. The firſt is according to the manner of Amſterdam, to which end the ſubſtance of the petition of honeſt and religious men his majeſties ſubjects, is as followeth. Pawne houſes.

Firſt, that authoritie be giuen to *A.B.* to erect Pawne-houſes in all conuenient places of the realmes of England, Ireland, and the dominions of Wales, for and during the terme of one and twentie yeares, vpon theſe conditions.

That all perſon and perſons ſhall and may haue at all conuenient times monies vpon pawnes, of or vpon all moueable goods, chattels, and leaſes, or any thing which ſhall be agreed vpon, after the rate of ten vpon the hundreth by the yeare.

That the vndertakers may be authoriſed or licenced to take for the attendance, labour and paines, recompence of Officers, and Seruants wages, houſe-rent, and all other charges incident thereunto, as followeth.

For regiſtring and keeping of all pawnes that doe amount to fiftie pounds or more, one farthing for euery pound by the moneth.

For all pawnes that do amount to ten pounds or more vntill fiftie pounds, for euery pound one halfe penny by the moneth.

For all pawnes that doe not amount to 10 ℔, for euery pound one pennie by the moneth.

For euery bill giuen for pawnes vnder tenne pounds, one pennie, and being of tenne pounds or aboue, whatſoeuer it commeth vnto, but two pence, with ſuch clauſes, conditions, and cautions as ſhall be requiſite for the ſecuritie of the ſaid vndertakers, and agreeable with the Lawes of the Realme of England, paying vnto the Kings Majeſtie a reaſonable ſum of money yearely, &c.

The ſaid allowances are inferiour to the moderation of the Emperour *Iuſtinian* his Lawes, and will be found very reaſonable, conſidering, that by the tolleration of Vſurie politicke, men can deliuer their monies in very great ſums at ten in the hundreth freely, and without ſuch trouble.

CHAP. XIIJ.

Of Mons pietatis, *or Banke of Charitie.*

THE ſecond meane to ſuppreſſe the biting Vſury of extortion vpon the common people, is by prouiding a courſe, that they may haue monies vpon pawn without paying any intereſt or vſurie for the loane of it, according to the manner of Bridges in Flanders; which is more pleaſing, but it is not ſo vniuerſall as the Pawne-houſes are, where great ſummes are to bee had to accommodate Merchants and all men, to preuent the

generall abuſe: albeit it cannot be denied, but that the extortion vpon the meaner ſort of people is more haynous and deteſtable; which was the cauſe that by the Lawes of the Romans, hee that tooke Vſurie of the poore was more puniſhed than hee that did ſteale from the rich, as is before declared.

In Italy there are *Montes pietatis*, that is to ſay, Mounts or Bankes of Charitie, places where great ſums of monies are by legacies giuen for reliefe of the poore, to borrow vpon pawnes and to pay onely after three or foure in the hundreth at the moſt to maintaine the officers, and to beare the charges of ſuch an erected Mount for euer. But the manner of Bridges, as aforeſaid, may be thought more reaſonable, paying the officers out of the contributions, which by their meanes may be much increaſed, according to the orders which are hereafter declared; for euery man is willing to giue for the ſuppreſſion of intollerable and adhominable vſury. The rich (that are charitably diſpoſed) will giue, becauſe vſurie politicke ſhould not be biting; the meaner ſort of people will be contributarie, becauſe of the commodiouſneſſe of it; for who will not giue ſix pence or twelue pence euery quarter of the yeare, when hee may borrow a reaſonable ſum of monie without paying any vſe for it, for one yeare, or a longer time, according to occaſions? I am ſure of moſt mens inclinations, by an attempt made of the practiſe hereof ſome yeares ſince: for (after the names taken of aboue 1500 perſons that were willing to contribute yearely, and ſome Diuines and others that would lend freely 50 ℔, 100 ℔, or more for ſome yeares, and ſome 500 ℔) I made an alphabeticall Regiſter of them, which was deliuered into the hands of a great perſonage, who (as it ſeemeth) was not worthy of the honour thereof; but to my remembrance it amounted to ſome 2000 ℔ for monies giuen and to be lent, and aboue 600 ℔ yearely during the liues of the benefactors; ſo that no man hath cauſe to doubt of the collection of a great ſtocke for ſo godly a worke, if authoritie were had when this was done, vpon the onely hope and ſurmiſe thereof: to the effecting whereof, I will be willing ſtill to doe my beſt endeauour. Now the orders are as followeth.

Monies to be giuen to ſuppreſſe vſurie.

¶ *Orders to be obſerued for the gouernement of the Mount of Charitie, conſiſting of two houſes within the Citie of London and the Suburbes thereof, and one houſe at Weſtminſter; where all men may borrow monies in ſmall ſums, without paying any vſe or loane for the ſame, vpon pawne to be deliuered for caution or ſecuritie of the ſaid monies, according to the manner of Bridges in Flanders, and other countries.*

1 IMprimis, That all men of what qualitie or condition ſoeuer they be (being deſtitute of mony) ſhall haue monie at all conuenient times without paying any vſe or loane for the ſame, but deliuering onely a pawne of any moueable thing, ſo it be not aboue fortie ſhillings at any one time, vntill a competent ſtock be raiſed for the maintenance of the ſaid Mount of Charitie for euer.

2 *Item*, Whereas the ſaid ſtocke is raiſed, and to be increaſed by meanes of charitable and conſcionable perſons (which either doe freely lend monies without taking intereſt for the ſame, or do freely giue in monie and yearely contributions, according to their vertuous diſpoſition, which monies may in progreſſe of time amount to a notable ſum (the Treaſurer generall therefore ſhall be a man ſufficient, and of honeſt behauiour, carefull to appoint ſworne honeſt men (vpon ſureties) to collect the ſaid momies, and for keeping of the pawnes, with their Clarkes and other attendants: and the Surueior of accounts ſhall be a man diligent and skilfull in accounts, all for the better incouragement of the ſaid charitable giuers and free lenders, for the aduancement of this charitable worke.

3 *Item*, Wheras the like Houſe called Saint *George*, was heretofore erected at Genoua in Italy by noble Knights bound in honor to ſee the people relieued from oppreſſion, biting Vſurie and extortion, which by all vertuous Knights is at all times approued and commended; There ſhal be kept one paire of tables in euery houſe, containing the names of ſuch honourable perſons, and vertuous Knights as ſhall be yerely contributaries (by quarterly paiments) during their naturall liues, or lend any ſum of mony

(*gratis*)

(gratis) for a time, together with the names of ſuch well diſpoſed perſons as by their wils and Teſtaments do bequeath any ſum of mony for the maintenance of this pious worke, in perpetuall remembrance of the ſaid benefactors.

4 *Item*, That the ſaid officers ſhall vſe their beſt indeauours, by all good means to moue all well diſpoſed and charitable perſons, to be giuers, lenders, and contributaries for the increaſe of the ſaid ſtock, eſpecially when men are viſited with ſickneſſe, to the end that by their laſt Wills and Teſtaments, they may be moued to further this godly action for the continuance thereof for euer.

5 *Item*, That the Lord Maior of London (for the time being) may haue yerely inſpection of the collections and accounts of the officers of the ſaid mount of Charity, at a day by him to be appointed; to ſee the due execution and adminiſtration of the ſtocke aforeſaid.

6 *Item*, That the Clerkes and other officers in place, ſhall attend the ſaid houſes from ſix a clocke in the morning, vntill eleuen, and from two of the clocke in the afternoon, vntill ſeuen, beginning (yerely) from the 25 day of March, vntill the laſt of September; and afterwards to begin but at ſeuen of the clock in the forenoon, vpon paine to be diſplaced.

7 *Item*, That no man ſhall offer to pawn any moueable thing, hauing life, or being ſubiect to manifeſt corruption, or peſterable wares of great bulke; but only things of Wooll, Linnen, Silke, or Flax, Hemp, or Tow, and ſuch like, or Pewter, Yron, Braſſe, or any other matter mettaline or minerall; or of Gold, Siluer, Copper, or Precious ſtones.

8 *Item*, That all pawnes which ſhall be pawned, ſhall be taken as ſold in open market or ſhop vpon the conditions following, with the conſent of the owner or lawfull bringer thereof; and ſo ſhall not be ſubiect to be recouered of the ſaid officers, by any fraudulent dealings.

9 *Item*, That euery perſon if he will, ſhall receiue the three parts of the value of his pawne; that is to ſay, if the pawne be worth twenty ſhillings he ſhall haue fifteen ſhillings, and ſo after the rate; prouided it do not exceed the ſum of forty ſhillings at any time, as aboueſaid.

10 *Item*, That the ſame pawnes ſhall be ſafely kept for the time that the ſame ſhal be pawned, without detriment or hurt, be it for one month, two, three, or more months, not exceeding the time of one yeare, without new licenſe had for the ſame.

11 *Item*, That the perſons which do pawn any goods as aforeſaid, either being owner, or put in truſt to pawne the ſame, ſhall declare their names to be entred in the journals and other Regiſters, and bring an Avoucher (if there bee cauſe of ſuſpition that the parties are felons, or acceſſaries of felonie) in which regard the ſaid goods ſhall be ſtayed for 24 houres, to ſee whether any perſon do claim the ſame.

12 *Item*, That euery perſon which doth pawne any thing ſhall take a ticket containing the date of the time and yeare, and the ſum of mony lent, with the priuat mark of euery houſe, thereby to redeeme his pawne at all times at his pleaſure.

13 *Item*, That for the defraying of the rent of conuenient houſes, recompence of officers and mens wages, and other charges incident for the due execution of the premiſſes, euery perſon borrowing a crowne or fiue ſhillings, ſhall giue for his bill or ticket a farthing, and for ten ſhillings one halfpenny, and for twenty ſhillings one penny monethly, and for a greater or ſmaller ſum accordingly, vntil ſuch time that the ſtock bee encreaſed to ſuch a competent ſum as may counteruaile the ſaid charges, and ſupply the neceſſarie occaſions or wants of the borrowers, to be declared hereafter.

14 *Item*, That all pawnes which do lie aboue one yeare, beeing not licenſed to remaine for longer time, ſhal be ſold by a publique officer in open outcry euery quarter of a yeare, the ſaid officers to be appointed and ſworne by the Lord Maior of London for the time being, or by two Iuſtices of the peace at Weſtminſter, and the ſurpluſage of the monies which ſhall be made more of the ſaid pawnes than the mony lent thereupon (after charges deducted) ſhal be reſtored to the owners or known bringers of the ſaid pawns, or to their heirs, adminiſtrators or aſſignes, within a month after ſale made of them, (vpon demand to be made) and by default of the ſaid heires, adminiſtrators

or assignes, to be deliuered within one yeare after, to the said Lord Maior, and Iustices of the Peace, and to be distributed (by their wisedomes) to the poore.

15 *Item*, It shall be lawful vnto the said officers, to restore to the right owner any pawne which hath beene feloniously taken, vpon sufficient proofe made, if notice was giuen before the regestring thereof; and if notice was giuen after the said registring or pawning, then to restore the same vpon paiment of themony borrowed thereupon, and charges.

16 *Item*, It shall be lawful for the Treasurer, Generall, and Surueyer, with the consent of the Lord Maior of London, or two Iustices of the Peace at Westminster vnder their hand writing (when the said stocke is increased to a greater summe than shall be needfull for the maintenance of the said Mount of Charitie) to giue some reliefe vnto such prisoners as are committed for debt in the seuerall prisons of their iurisdiction; be it either fortheir maintenance there, or (after they haue beene one yeare in prison) towards the composition which they shall make with their Creditors, so as the said gift do not exceed the sum of ten pounds, towards euery 100 ℔, which the said prisoners are indebted, if their good behauiour and likelihood to do well shall deserue the same.

Quod gratis accæpimus, gratis damus.

CHAP. xiiij.

Of the true Calculation of Moneys deliuered at Interest.

THE Act of Parlement concerning vsury made in the 13 yere of Queen *Elizabeth*, declaring that Vsury is forbidden, and contrarie to all Diuine and Humane Lawes; doth by way of tolleration admit, that whosoeuer shal deliuer his mony at Interest after the rate often in the hundreth for the yeare, shall only be in danger to lose that ten in the hundreth, if any man by information, plaint, or bil will sue for the same: but if it be aboue that rate, the deliuerer of the money shall lose the principall mony, and incur other penalties; and this Statute may be pleaded in Barre, and is to be construed against him directly and indirectly. Wherefore all men deliuiring money at Interest, must be very carefull how they make their Contracts, because many mistakings may happen, for that all Councel learned in the Lawes are not good Arithmeticians in the calculation of this 10 in the 100, which is the ground of those Contracts; insomuch that by the strict rules of the said Statute, the Contracts being found vsurious and to exceed the rate, are not only void *ipso facto*, but the principall & interest is also lost. This Statute hath relation to the Act made by King *Henry* the eight, and the words be in effect as followeth.

None may haue, receiue, accept, or take for the lending or forbearing of his or their money, for one whole yeare, or for a longer or shorter time, or for a more or lesse summe, aboue the rate of tenne pound pro cent. *yearely*. 37. *Hen*. 8.

An obiection to the Statute of Vsurie.

Forasmuch as some men, accuse the makers of this Statute to haue committed some absurdity, it wil not be impertinent to cleere the same: The Statute (say they) giueth abilitie vnto a man, to take one way tenne pound ten shillings or more, for the vse of one hundreth pounds for one yeare, beeing deliuered out for two yeares; and another way hee cannot take tenne pound fiue shillings and lesse for one yere, but he shall be within the compasse of the Statute. But if they had a due consideration that Time is properly the Iudge hereof, and that they could not make the said Statute, without the

the limitation of a time certain, they would not finde any abſurditie therein, for it was impoſſible to make it otherwiſe more certaine.

To make this euidently appeare, and of neceſſitie, Time is herein Efficient and Actiue, and the rate of 10 *pro* 100 poſitiue and paſſiue; let vs ſuppoſe that you do deliuer at intereſt one hundred pounds for three moneths after ten vpon the hundred, you may lawfully receiue at the three moneths end two pounds tenne ſhillings for your intereſt, and continue the hundred pounds again for other three months by a new contract or agreement, and then receiue again 2 ℔ 10 ß. continuing in this manner for the whole yeare by foure ſeuerall agreement, whereby you do receiue three parts of your intereſt at ſeuerall times, which Intereſt you may put out alſo at Vſurie, and ſo take aboue 10 *pro* 100, without incurring the danger of the Statute, becauſe your Agreements haue from time to time altered the propertie of the Intereſt money which you did receiue, and was begotten in time according to the Statute, and that which was before another mans, is thereby become yours, and thereof you may diſpoſe again. But if you do deliuer out 100 ℔ from the beginning for one whole yeare; then you canot haue but 10 ℔ intereſt for the ſame, at the yeares end with your principall, for the propertie of your 10 ℔ is not til then altred by your agreement. Thus is it with monies deliuered for a ſhorter time.

Time begetteth Vſurie.

Agreement altereth the propertie of vſe mony by time.

In like manner is it for monies deliuered out for a longer time; As for example, one deliuered out an hundred pounds for foure yeares, for the which at the 4 yeares end he can receiue but 140 ℔: but if he had deliuered out 100 ℔ for one yeare, he may at the yeares end receiue 10 ℔ for intereſt, and continue the 100 ℔ again for the ſecond yere by a new agreement, and then receiue another 10 ℔, and ſo for the third and fourth yeare. Now whereas by reaſon of his ſeuerall agreements according to the time, hee hath altered the propertie of intereſt mony, and receiued 10 ℔ the firſt yeare, hee may put out againe this 10 ℔ as his owne for another yeare, and ſo haue intereſt thereof 20 ß, whereby he receiueth 11 ℔ the ſecond yeare, which being put out the third and fourth yeare, will yeeld him accordingly in like manner for the 10 ℔ receiued the ſecond and third yere, which will yeeld him after the ſame maner accordingly: ſo that hee ſhall haue aboue 146 ℔ being thus deliuered out, the body of his ſum ſtill remaining whole, and being only diſtinguiſhed by Time, which maketh the difference. Again, let vs ſuppoſe that the 100 ℔ were deliuered out from the beginning of foure yeares, to be repaied by 25 ℔ a yeare, and the intereſt; it followeth proportionably, that the firſt yere he is to receiue 27 ℔ 10 ß the ſecond yere 30 ℔, the third yere 32 ℔ 10 ß, and the 4 yeare 35 ℔, which maketh all but 125 ℔; adde to this the intereſt of 25 ℔ receiued in deduction of his Principall three yeares before the time, which is 7 ℔ 10 ß. and of 25 ℔ more in like manner for two yeares, which is 5 ℔, and of 25 ℔ more for the third yeare, which is receiued one yeare before the time, which is 2 ℔ 10 ß. all is 15 ℔, which together with the 125 ℔ maketh the ſaid ſumme of 140 ℔. But when monies are repaied in this manner, as it were by way of anticipation, then the body of your ſumme of 100 ℔ is diuided, and ſtill time and intereſt muſt concurre, for the intereſt is begotten by time. For you may not deliuer out 300 ℔ for three yeares, to be repaied 100 ℔ yearely, and receiue the firſt yeare 130 ℔, the ſecond yeare 120 ℔, and the third yere 110 ℔; but you muſt receiue the firſt yeare 110 ℔, the ſecond yeare 120 ℔, and the third yeare 130 ℔, becauſe you haue not forborne your mony for any longer time proportionably, according to your contract and agreement; and the propertie of the intereſt mony is not altered effectually, according to the law, for 10 *pro Cent.* for a yeare is the Cubike root, which doth increaſe and decreaſe both waies accordingly. Yet ſome will ſay, Suppoſe that I haue 3000 ℔ in money to deliuer at intereſt, are not my 3000 ℔ worth 300 ℔ at the yeares end, and may not I lawfully receiue that 300 ℔, and any part of my principall, and continue the reſt for another yeare, and ſo do the like for more yeares? Who doubteth thereof? So that you do make new contracts or agreements from yeare to yeare, whereby the propertie of the intereſt mony becommeth effectually altred, according to the law, as aforeſaid, your mony from the beginning being deluered out but for one yeare. But you do deliuer

The property of the Cubike root.

liuer your 3000 ℔ from the beginning by one ſole Contract and Agreement for ſixe yeares, to be repaied yerely by 500 ℔, and receiue 550 ℔ the firſt, that is to ſay 300 ℔ for your intereſt, and 250 ℔ for part of your principall, as it may be conſtrued againſt you, then do you incur the danger of the Statute. For in this (which is for a more ſum, and a longer time) there is the like reaſon as there is with a leſſe ſum and a ſhorter time, as by the former example is declared.

And as there is more gaine when mony is deliuered out for three moneths, or leſſe time, and ſo continued from time to time within the yeare, than when money is deliuered out for one yeare; ſo is there more gaine when money is deliuered out for one yeare, and continued by new agreements from yeare to yeare, than when it is originally deliuered out for ſixe or more yeares, agreeing with the rule of Geometricall deliniation, and Arithmetical proportion.

The rule Quadrant. Principall. Rate. Time. Intereſt.

And the rule Quadrant, or the golden rule of Arithmeticke proueth vnto any man of vnderſtanding, that in calculation theſe foure things muſt concurre: firſt, you may finde out by your intereſt mony and the time, after tenne in the hundred for the yeare, what the ſum was which was deliuered at intereſt: Secondly, at what rate according to the time ſuch a ſum was deliuered: Thirdly, the time for which it was deliuered at ſuch a rate. And laſtly, what the intereſt mony was for the ſum deliuered, according to the time; and all theſe (*Poſito* in any one ſum for all) will manifeſt the deliuerie of an hundred pound for one whole yeare of twelue ordinary months, after the rate of ten in the hundred, if it be ſo deliuered out: for by inuerting, poſt-pounding, and ſuppoſing all muſt produce theſe iuſt and poſitiue ſums, whereby you may be aſſured whether you terme your money deliuered out, according to the art and rule of Arithmeticke, the principles whereof are infallible, or whether (beeing deceiued therein) you haue vnawares made an vſurious Contract, as many do ignorantly.

Auditors or Calculators.

The Civilians, eſpecially *Benvenuto Straccha*, termed thoſe which we call Auditors or Accountants, *Calculatores*, which indeed are to be very iuditious in matter of Account, as skilfull in the accounting, able by poſitions to finde out hidden ſums; for it falleth out many times in Princes accounts, that ſums are named which haue relation to other ſums, and muſt by ſuppoſitions be found out, and can be done as they ſay *Calculando*. For example, a ſum of mony is deliuered out for three yeares, euery yere to be paid, whereof the firſt ſum (*Poſito*) is 500 ℔, and the fourth or laſt ſum is 665 ℔ 10 s. Between theſe two you are to finde two ſums proportionable: multiply 500 ℔ within it ſelfe is 500000; with this multiply the 665 ℔ 10 ß of the product, take your Cubike root is 550 for the ſecond ſum; now to finde your third ſum multiply 665 10 with 550 is 73200. Your Quadrant root is *medium* betweene 2 and 4, being 605; and ſo you haue your ſum, and the intereſt you find to be 10 *pro cent*. The like for fiue, ſix, or more ſums, which by Geometry is yet more eaſie.

Reduction of Maluadies into ducats, ſhillings and pence.

So we finde that for matter of diuiſion, to reduce millions of Malvadies in Spaine into ducats without much diuiſion by 375 Malvadies for the ducat, and then the ſhillings and pence of Ducats made in Bills of Exchanges. Take $\frac{1}{3}$ part of the ſum, and the ouerplus if any be, put it downe for ſhillings and pence, then in like manner take $\frac{1}{5}$ of that ſum, and again $\frac{1}{5}$ of that ſum, and laſtly $\frac{1}{5}$ of that ſum, beeing $\frac{3}{5}$ deriued from $\frac{1}{3}$; and you haue your ducats, ſhillings, and pence of ducats in *Vn tratto*, as the Italian ſaith: In like maner diuide by all the numbers contained in the table of Multiplication, for 42 take $\frac{1}{6}$ and $\frac{1}{7}$, for 63 take $\frac{1}{7}$ and $\frac{1}{9}$ part, and ſo of all the other ſums;
for ſix times 7 is 42.

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CHAP.

CHAP. XVJ.

Of Vſurious Contracts.

I Need not to make double inculcation againſt vſurie, for the Civilians haue bin ſo preciſe in the deſcription of vſurious Contracts, which Dr *Wilſon* hath noted, that it is hard for any Merchant to eſcape the cenſure of being an Vſurer, albeit not in danger of the Statute; which is very neceſſarie for all Merchants to take notice of. But he concludes, That where there is no lending there can be no vſurie: wherein he maketh a diſtinction between *Mutuum*, *Locatio*, and *Commodatum*; declaring *Mutuum* to be where my goods are made thine; *Locatio*, where a thing is put forth or letten to hire, the propertie ſtill remaining in the owner, who beareth the aduenture thereof; and *Commodatum*, to be a letting or lending, without alteration of the property alſo but free without any gain at all, where for hiring a gain is taken; and ſo he makes a deſcription of Vſurers, if they deale in manner following.

Doctor *wilſon de vſuris.*

No Vſurie without lending.

If any commoditie be ſold vnto any man, who buyeth the ſame by means of a Broker, or otherwiſe, to make a ſhift, and to ſell the ſame inſtantly to make money of, to ſupply his occaſions, loſing thereby (as he muſt of neceſſitie) the ſeller of this Commoditie is an Vſurer. In this caſe, if it be proued that the ſaid ſeller doth buy, or cauſeth the ſaid commodities to be bought again directly or indirectly, the Statute againſt vſurie will take hold of him, and that very iuſtly.

I do borrow of a man 100 ℔ for three moneths, promiſing to giue his wife a Satin gowne, or an ambling guelding, hereupon he forbeareth his money for many moneths more without intereſt, it is Vſurie.

I do binde my land (worth 20 ℔ *per annum*) to a man for an hundred pounds in money for a yeare, and do not paſſe it by bargain and ſale, if the Creditor do take the reuenues and his principall, it is Vſurie.

Be it that a man lendeth 100 ℔ freely, and hopeth aſſuredly to haue ſome thankefull recompence at the yeares end, this is *Mentalis Vſura*.

What if one lend mony in hope to get an office, this is alſo Vſurie.

If one lend a man mony for a certaine time, becauſe the ſame man ſhould ſpeake a good word for him, or do him a certain pleaſure, it is a ruled caſe, That forſomuch as a couenant is paſt, it is vſurie.

I do lend you one hundreth pounds, that you ſhall do as much for me when I ſhall demand it of you, this is vſurie, becauſe a Contract is ſimply made without any addition of time appointed, whereas if he had asked ſo much at the yeares end, then it had beene no Vſurie, but permutation, when one good turne is done for another, and the time knowne certaine.

A Lord doth lend his tenants mony, with this condition, That they ſhal plough his land; if he do not pay them for their labour but with the vſe, it is vſurie.

I would borrow, and one ſelleth me wares for more than they be worth by the half; the ſeller is an Vſurer.

I do ſell commodities vnto a man for ſix moneths, at a reaſonable price, and afterwards he payeth me in ready money, deducting the intereſt for the time after the rate of ten in the hundred, this is vſurie.

The father in law lendeth his ſon a ſum of money, and taketh in pawne the poſſeſſion of the dower, and conuerteth the fruits thereof to himſelfe for the loue of money; this father in law is an Vſurer.

I do lend an hundred pounds to my friend for ten yeares freely, not to pay a penny of gain all that time if either of vs do die: but if we both liue together till that time,

then he pay to me after twelue pound in the hundreth for ten yeres paſt; the law ſaith, that the peril which may happen doth not excuſe me from ſinne, but I am an vſurer, for the time is not proper.

A Merchant lendeth to a Corporation or companie 100 ℔, which corporation had a grant by ſtatute, that whoſoeuer lendeth ſuch a ſumme of mony, and hath a childe of one yeare, ſhall haue for his childe (if it liue to 15 yeres of age) 500 ℔ of money: but if the childe dye before that time, the father to loſe his principall for euer. The law ſaith, If I lend purpoſely for gaine, notwithſtanding the perill, I am an vſurer.

I know an honeſt Artificer oweth to a Draper 40 ℔ to be paid at ſix months, I come to the Draper and ſhew him, if he will take 30 ℔ in hand, I will pay ſo much for the Artificer if he will turne the debt ouer vnto mee; herein I am an vſurer in ſeeking to anticipate the payment.

Vſura Palliata Vſura Explicata.

One buyeth a pay of three or foure hundreth pounds, deliuering 15 ß, for euery 20 ß, here is a cloaked lending vnder the colour of buying, and therefore vſurie called *Palliata*, for he did hope for gaine.

I do buy a mans bil of 100 ℔ due three months hence, and giue vnto him in preſent money 95 ℔; here, although a bargaine and ſale ſeeme in ſhew, yet it is a lending, and therefore Vſury.

I do bargain with ſome to haue ſo many Oxen & Kine within foure months, to haue them better cheap paying the money before hand; this is Vſury if the parties had not Oxen or Kine at the time.

I do buy certaine Geldings to haue them deliuered at a certain Faire, for leſſe than they were worth; I am therein a Vſurer, if I be ſure that they will be more worth at the time of the deliuerie.

I doe deliuer old Wheat to receiue new; if I do deliuer the ſame for gaine, and aſſure my ſelfe of benefit, I am an Vſurer.

I do feare the fall of money, and therefore do deliuer my money to another man, to haue as much at ſix months after, according as the mony was then currant when I paid it; this is Vſury.

I ſeeke an office, which I cannot haue except I do pay a certaine ſumme of money; to auoid this payment, I do lend for two, three, or foure yeares, a groſſe ſum, becauſe I will not pay the ſaid money, in ſo doing is Vſurie.

I do pawne an houſe with an orchard for certain money, the creditor hath the benefit of my ground and houſe, he is an Vſurer.

A Gentleman hath a Mannor ſtocked with 30 milch Kine, and 700 ſheep, valued at 300 markes or thereabouts, as they are then to bee bought and ſold; this Mannor he would let out with the ſtock for 10 yeres, to receiue the old rent of his Mannor & 30 ℔ yearely beſides for his ſtock, and at the ten yeres end, either to haue at his owne choice his cattell of like goodneſſe and value as he did let them out, or elſe 200 ℔ in money. Here there is firſt a lending, becauſe the Farmour hath property in the cattel, and may alter them as he liſt for his beſt auaile, paying his yearely rent for them, and reſtoring ſo good cattell at the ten yeares end as he before receiued. Againe, he muſt anſwer the cattell at the ten yeares end, and pay rent yerely for ten yeares, although the cattell die all the very firſt yeare. So that this Gentleman (ſeeking his certaine gaine and principall to be ſafely returned vnto him, is a Vſurer colourably.

Laſtly, to deliuer money by exchange vpon Bills of Exchanges, intending any gaine thereby any manner of waies is Vſury, and all the premiſſes are vſurious acts, although many not in danger of the Statute.

Now diuers Merchants and others will ſay, That then there is no dealings between man and man, and all Trafficke and Commerce is ouerthrowne: For (ſay they) here is nothing excepted, wherein any man can deale, and all other Nations doe continually maintaine their Negotiation and Trafficke, by deliuering moneyes at Intereſt and by Exchange, and will not be ruled by our particular direction in the courſe of trafficke: hereupon let vs alſo note what lawfull contracts are, before we conclude.

CHAP.

CHAP. XVJ.

Of lawfull Bargaines and Contracts.

WE haue already noted where a man may take a benefit for his money two maner of waies, which is *ex damno habito*, where he hath ſuſtained a loſſe, or *ex lucro ceſſante*, where his benefit or profit hath beene taken away or preuented for the want of his mony, which he might haue beſtowed in ſome wares to furniſh his ſhop at conuenient time, and in both theſe the party is not Actiue but Paſſiue.

I do buy land of my friend for a certaine ſum ne of money, and of like value to the land, with this condition, if he bring me the money againe at any time, he ſhall haue his land againe; I being lawfull owner of this land by bargain and ſale, may ſafely enioy the fruits and rents of the ſame lands without any ſuſpition of Vſury.

Another commeth to me, and would borrow a thouſand pound in gold, and as much Plate for a ſhew to declare and ſet forth his wealth the more to the world when it is ſeen in his ſhop; in this caſe I may take Vſurie.

An Apothecarie lendeth to the Phyſician 100 ℔ the yeare freely, becauſe he ſhall ſend his Bils of Receits to him and to no other, this is no Vſury.

I do buy Timber, Bricke, or Stone of a man to deliuer the ſame at ſuch a place, at ſuch a time, and to pay him for the ſame, I do borrow ſo much vpon Vſurie, if the ſaid man do not performe with me in deliuering the ſaid Timber, Bricke or Stone, yet is he bound to pay me that Vſury truely.

A Corporation taketh 100 ℔ of a man, to pay him eight in the hundreth during his life, this is no Vſurie, and ſo for all annuities during life, for the principall is neuer to be reſtored againe.

A mightier man than my ſelfe, withholdeth through force a portion of land from me, I am loth to try the law with him, becauſe he hath the law in his hand; and I offer to lend him 500 ℔ for a yeare or two freely, ſo that I may haue mine owne without further trouble or vexation: this is no Vſury becauſe I receiue but mine owne quietly.

I do borrow 100 ℔ for a yeare promiſing at the yeres end to lend another 100 ℔ for it, for the ſame time; this is Permutation.

I take the perill vpon me of the carriage of a great maſſe of money; I may lawfully take portage money for my pains, and this is no Vſurie.

I am ſurety for one, & pay the debt, paying Vſurie for the ſame mony; the principal debtor for whom I was bound, is bound to pay vnto me the Vſurie, and the paiment vnto me is no Vſurie, for I receiue but mine owne. *Ext. ſide iuſſor. C. 1, & 2.*

A man by Teſtament granteth a Legacie, and willeth his ſonne to pay the Legacie, and ſo much (*Nomine pœnæ*) for not paying it: the Law ſaith, The Teſtator may charge his Executors or heire vnder a penaltie to pay his Legacie, and the ſame is no Vſurie:

But if the Teſtator ſhould ſay thus; I will that my ſonne or Executor ſhall pay for euery moneth that they are behind hand ſo much, and ſo from moneth to moneth till it be payd; This is Vſury ſay the Lawyers, becauſe the time is mentioned and peined: wherein *Baldus* is abſolute.

The concluſion of all the premiſſes is moſt in things Paſſiue; and buying and ſelling is left only between men with certaine cautions.

Sayling thus daungerouſly between the two rockes of *Sylla* and *Charibdis*, with the great

great tempeſt about Vſurie, looking that the bright and fortunate ſtarres of *Caſtor* and *Pollux* ſhould appeare to bring a calme in deteſtation of all Vſurie: Lo, an vniuerſall and perpetuall princely contract of Commerce is brought forth, grounded vpon traffique and vſurie, yet with a religious care to preuent the biting vſurie vpon the poore and honeſt houſholder, and to be a means to maintaine peace through all the whole world in matter of Traffique and Commerce: notwithſtanding the ſeueral and particular quarrels and differences betweene Princes, which is very conſiderable and admirable.

Chap. xvij.

Of the vniuerſall and perpetuall Princely Contract of Commerce.

THe particulars of this princely Contract of Commerce (being compiled by certaine Politicians of diuers nations) was exhibited vnto the Kings moſt excellent Majeſtie, in the yeare 1608, by a priuat Gentleman, in the Dutch tongue, and commanded to be deliuered vnto me, to tranſlate the ſame into Engliſh: But I found the originals to be in Latine and Italian, and partly in French, as it had been propounded in diuers countries vnto other Princes which had ſubſcribed thereunto, intending to haue kept a copy of it: but on the ſudden being depriued thereof, I did inſtantly ſet downe the ſubſtance following of it, to the admiration of the Gentleman, and contentment of ſome of (then) my honorable friends. And becauſe it is not like that it ſhould come to any vniuerſall concluſion, I haue thought conuenient to make the ſame publique, manifeſting thereby, that Vſurie politique is like to continue in all Countries. To the end we may therefore preuent biting Vſurie vpon the poore, by the charitable means of pawn houſes or Mounts of charitie, as aforeſaid.

¶ *Subſtance of the ſole vniuerſall and perpetuall Contract of Commerce, or vnited Societie of Knighthood to be made betweene all Princes, and one priuat perſon, for the ſurer maintaining of peace amongſt Chriſtians, and increaſe of Traffick and Trade through all the world, grounded vpon* jus Gentium, *by the Articles following.*

THe Contract or Couenant to be made with ſeuen qualities of perſons, Emperors Kings, Princes, Archdukes, Earles, Knights, and Gentlemen, among which ſome Merchants are compriſed, in all not exceeding the number of an hundred perſons, with the Poore to be reckoned for one, as being ſo many Stakes, wherein Seigniories, Commonweales, Societies, and Orders ſhall be accounted for one alſo.

Euery ſtake to be from 25 thouſand crowns of 5 ſ ſterling, vntill an hundred thouſand crownes a ſtake; wherein Emperours and Kings may not exceed three hundred thouſand crowns; Dukes, Earles, and Commonweales two hundred thouſand crowns a perſon.

No man to be aduanced to this Societie but for his deſerts or wealth, or for both; wherein but one of the kindred to ſucced the father, or the neereſt of conſanguinitie by default of ſonnes.

The perſons in euery kingdome (beſides the Prince) to be two or three of the Nobleſt or greateſt in gouernment, euery one a ſtake, and the maſter of Counting houſes for a ſtake ſeruing *gratis*, or ſome other Merchant.

Theſe

Theſe houſes of Exchanges to be in all places of peace or ſecuritie, and in all other places, as it were dangerous to be gouerned and ſerued by correſpondencies, which may be in number ſeuen or nine to one ſtake, and ſo augment their ſtocke by their credit and means accordingly; receiuing a proportionable gain of the benefit procured by their imployment, without any other vſe or conſideration for their monies.

The monies deliuered to this ſocietie for the ſtocke, to remain for euer by way of donation, only the reuenue yearely from time to time to be paied to the parties, their heires or next of the bloud, or to their lawfull Aſſigne, or by default (after a time) to the poore.

The perſons aduanced by deſerts, and without money brought in, ſhall for their ſtake, or ſo much as is wanting (within the time limited) allow ten in the hundred, vntill the ſame is raiſed by the gain, which is offered by foure or fiue years reuenue to be done, or by deduction of ſix and one fourth part *per annum*.

No man for any criminall offence ſhall by way of forfeiture loſe his ſtake, or for any miſdemeanor hinder his poſteritie to enioy the reuenue thereof, but loſe his voice, wherein euery man is equall. And moreouer, forſomuch as the ſocietie may be hindered thereby, defalcation (by ſuſpence of payment) ſhall be made, vntill reparation made thereof vnto the ſaid ſocietie at their pleaſure.

No Executor, Adminiſtrator, Surueyor, Curator, or other perſons or Aſſignes are to meddle with the premiſſes: but for want of iſſue or *ob inteſtato* falling vpon children vnder yeares, or women, to take the accounts and reuenues according to the rate of others, without any other account to be made.

All controuerſies ariſing between them of the ſocietie for matter of traffique, to be decided by the Maſter of Counting-houſes, with their Counſel of Aſſiſtants to be appointed vnto them, without any appellation or remoue to any other court or juriſdiction whatſoeuer.

The preſeruation and aſſurance of the ſtocke and credit, is by the authoritie and confirmation of Princes and Commonweales; who notwithſtanding particular differences are generally inclined to maintaine Traffique, as the ſoule of their wealth and eſtates; ſo that the ſaid authoritie (becauſe of the protection thereof, by the Law of nations) ſhall be corroborated for the defence thereof, by their aſſociation vnder their hands and ſeales, in vnitie of couenant (with one priuat perſon of the qualitie hereafter declared) in ſeuen tongues, whereof euery Prince in his owne language for ſubſcription, is once to haue precedencie, and after that without any ceremoniall or politique obſeruation to be vſed indifferently.

To which end the ſaid Princes and Potentates are to renounce all Lawes, Priuiledges, exceptions or immunities, of what high nature or dignitie ſoeuer to the contrary, and to make approbation of this Contract by their Parlements or higheſt Court of juriſdiction, in the beſt manner that can be deuiſed.

Euery perſon of this ſocietie to be free and exempted of all Impoſitions, taxes, cuſtomes, ſubſidies, lending of monies any maner of waies, or any charges; as alſo maſters of the Counting houſes, which ſhal not be permitted to exerciſe any traffique or trade particular, but muſt wholly apply themſelues to this buſineſſe, with ſuch allowance and order as is preſcribed vnto them.

All worldly things being ſubiect to mutability, euen the greatneſſe aud ſuperiority of Princes, which may happen to be depoſed for a time, and afterwards to be reſtored againe; It is prouided, that of the gaines of the three parts allotted to them for three ſtakes in this couenant, the two ſhall remain to the Crown, and the third to the prince, vntil he be reſtored again or dead; which is only to take place in all hereditary kingdomes.

The ſaid ſocietie therefore not to purchaſe any land for the Generalitie, to indanger Princes eſtates, but only for their particular, as occaſion ſerueth.

Models or Medalia to be worne by the ſaid hundred perſons of the ſocietie, & the Maſters of Counting houſes, only with emendation and augmentation of their armes, and by their ſucceſſors, vpon true regiſter and acknowledgement to be made and kept thereof.

thereof. The ſaid Models to contain on the one ſide the world concatenated together vnder a Crowne Imperiall, aſſiſted of the perſonages of *Proſperitie*, *Honour*, and *Mercie*, inuironed round about with two incloſed hands and armes of *Faith* and *Credit*; and on the other ſide the like, with a Croſſe and inſcription, *He doth crowne his own works in vs*. All which perſons ſhall be made noble Knights of this Order accordingly, with certain other additions, as ſhall be thought conuenient, as, By Faith and Credit it ſhal ſubſiſt, or the like.

The aforeſaid ſtocke and credit to be imployed by the ſaid Maſters of Counting-houſes, and aſſiſtants in fiue ſeuerall matters, by Exchange, Banke, Mount of Charitie, *Menſa argentaria*, and houſes of vendition without any aduenture or loſſe, according to an inſtruction, ſhewing the benefit and commodiouſneſſe which will ariſe thereby to all eſtates, for the preſeruation and augmentation of Honour and wealth of the Rich, reliefe of the poore, and welfare of the Commons in generall, hauing ſome gratuities beſtowed vpon them.

The priuat perſon (with whom all the aforeſaid parties are to couenant) is to be generall Maſter of all the Counting houſes, and only to keepe a generall booke of Account, without any adminiſtration of the ſtocke, or to meddle in any trade of Merchandiſe, but to haue the honor of knighthood, with a large allowance of charges, expences had and to be had for to entertaine all the parties and correſpondencies which might reſort to the places of his habitation: to which purpoſe hee muſt be prouided of a ſtately houſe, with all conuenient things neceſſary, and many ſeruants, meſſengers and Poſts, with the gains of 100000 crowns, that he doth furniſh by many allowances and other means, to the ſatisfaction of all the parties, according to a particular agreement, wherein the vnited Low Prouinces are named the chiefe place or Rendevous of this negotiation or intended contract, whereunto diuers countries haue condiſcended.

The authors of this project (vnder the ſaid priuat name) do deſire for the aduancement hereof permiſſion to execute the ſame, ſafegard to be protected from all injuries and to repaire all damages which might be don vnto them in hoſtile or peaceable maner, freedome of all taxes, and aſſurance for their perſons and goods, according to an inſtruction.

To which end the Maſter Generall of the ſaid Counting-houſes (if breach bee made by any one of the parties in any article of this Couenant) is to receiue the complaint, and to conſult with his Counſell of aſſiſtance, and ſo to giue notice thereof vnto the next neighbour Prince or State of this Societie, to ſee the ſame redreſſed or amended. If that Prince do deny to be aiding, or be forgetfull therein, he ſhall be acceſſarie, and iudged as guilty as the firſt offendor: whereas on the contrary, the forfeiture of the reuenues of this firſt offendor for the time ſhall be his. And the ſocietie may remoue their Counting-houſes, or change them into correſpondencies, if other Princes and States ſhould alſo proue to be negligent, and without reſpect had to their priuat gain, abandon ſo good an action, loſing their title or reuenue, violating the law of nations, wherewith (no doubt) moſt Princes ſhall find themſelues agrieued, and and theſe Princes or Perſons tranſgreſſors will find the worſe, & indanger their eſtates to their great diſhonour through all the world, and diſturbance of other Neighbour Princes.

For the better aduancement hereof there is a place reſerued for reward of two vnknowne perſons, which by their induſtry, labour, and ſcience ſhall be thought worthy thereof, one bearing the name of it.

This Princely Contract requireth a ſerious conſideration. The Stocke or Capital is 2 ½ millions, or 2500000 ℔ ſterling, or ten millions Flemiſh, which (increaſed by 900 correſpondencies) will make the ſtocke to be 25 millions, or 100 millions Flemiſh. It being very probable, that through all the world there lieth ſo much money dead without any vſe or imployment. The calculation of ten vpon the hundred by the yeare, doubleth yearely; ſo that he who by gift imploieth 100 ℔ yearely for euer: and this is ſuppoſed to be gotten by fiue ſeuerall means, *viz.* by *Cambium*, *Banke*, *Mons Pietatis*, *Menſa Argentaria*, and *Domus Commutationis*, wherof you may find the particulars

in

in this Booke. The proceeding of this matter of great conſequence hath beene interrupted by *Monſieur Olden Barneuelt* lately executed at the Hague in Holland, the ſequell hereof time will diſcouer, and we may ſay with the Poët,

Quid non mortalia Pectora cogunt, &c.

CHAP. XVIIJ.

Of Monies deliuered vpon Liues, Annuities, and Penſions.

HAuing intreated of monies deliuered at intereſt without caſualtie, and ſo termed Vſurie by reaſon of the contract of benefit without aduenture: it is conuenient to handle of monies deliuered vpon Liues, when Merchants doe giue twelue vpon the hundreth without pawne, called beyond the ſeas after the pennie 8: the moitie whereof with pawne is ſix vpon the hundreth, or double eight, according to the penny 16, as aforeſaid. The pennie 8 is 12 ½, for eight times 12 ½ maketh one hundreth: ſo the pennie 16 which is vſed for rents vpon houſes or lands is 6 ¼, according to which pennie 8 vpon one life or double for one yeare (ſo they all liue) is equall vpon eight liues. This is much vſed in diuers cities beyond the ſeas, to draw monies into their hands. As for example.

One hundreth pounds is deliuered to haue two hundreth pounds for it at the yeares end vpon eight liues, if they all liue, you haue two hundreth pounds to buy a perpetuall rent, or ſometimes as it hath beene, to giue 20 *per* 100 for the yeare, and ſo from yeare to yeare, and dying the principall is theirs.

One hundreth pounds for eight liues (by equalitie decreaſing the pennie eight) is 12 ℔ 10 ß, for two liues, 11 ℔ 2 ß, for three liues, 10 ℔, for foure liues, 9 ℔ 1 ß 9 pence, is 6 ℔ 5 ß for eight liues.

The Citie of Amſterday was wont to giue good conſideration, and did obſerue this order vpon a hundreth Guelders for eight liues gaue——16—13—4

Obſeruations of money deliuered vpon liues.

Of nine liues.——19——0
Vpon ten liues they gaue——22—4—5
Vpon eleuen liues——26—13—4
Vpon twelue liues——33—6—8
Vpon ſeuen liues——14—6—4
Vpon ſix liues——13—6—8

Here you are to remember the obſeruations of Aſſurors, whether the perſons be young or old, ſober in their diet and behauiour, much trauelling abroad or ſtaying at home, ſubject to ſickeneſſe, and the like conſiderations.

Monies deliuered vpon annuities for rents, ſeeme more reaſonable than penſions vpon liues, becauſe you beare onely the aduenture of the decay of houſes or deſtruction of them in time of warre: and much more ſhould bee giuen without pawne, than pawne or morgage.

Rents vpon houſes.

It is commodious for a man, hauing waſt grounds and intending to build vpon them, to take much money vpon rent after 6 ¼ *pro cent*. which many Cities giue continually to increaſe their wealth and inhabitants. And becauſe the valuation of their money doth often alter and is inhaunced, wherby all things become deerer, the parties are aduiſed to haue their rents paied *in ſpecie*, in Crownes, Dollers, Ducats to be paied as formerly they were currant; the dangers in times of wars cauſeth rents to decreaſe, for the ancient rent is alwaies firſt to be paied, although all orhers be loſers.

Rents payed *in ſpecie*.

CHAP.

CHAP. XIX.

Of the Denomination and Diuiſion of Monies of diuers Countries.

THE Denomination, Diuiſion, and Subdiuiſion of the monies of all Countries, is moſt neceſſarie for Merchants and all others to be knowne; becauſe without it, they faile in the courſe of Trafficke without Compaſſe, abandoned at all vncertainetie and dangers to haue true equalitie and equitie obſerued in their buyings and ſellings, and that more eſpecially if the courſe of exchanges be neglected, as ſhall be declared hereafter.

¶ *Some of theſe monies are imaginary, and ſome are ſubſtantiall or reall* in ſpecie, *and yet not concurring in price or value.*

England. IN England concerning Siluer coyes, there is the Crowne of fiue ſhillings, and the halfe Crowne of two ſhillings ſix pence, the ſhilling, the ſix pence, the foure pence or groat, the threepence, two pence, three halfe pence, the pennie and halfe penny of ſterling Siluer, and the farthing of Copper.

The ordinary Golden coynes are the vnite peeces of 22 ſhillings, the halfe of eleuen ſhillings, and the crownes or quarters of fiue ſhillings ſix pence, and the $\frac{1}{3}$ part two ſhillings nine pence, and the fiue pieces coyned at foure ſhillings, making twentie two ſhillings, with the Roſe and the Thiſtle.

The Laureat King *Iames*, of twentie two carrats fine of twentie ſhillings, and the halfe peece.

Scotland. In Scotland is the Croſſe Dagger peece of eleuen ſhillings, and the halfe of it, and their Rider of ten ſhillings ſix pence, and for their ſiluer coyne the marke peece valued at 13 pence $\frac{1}{2}$ in England, and the halfe of the ſame, as alſo ſix ſmall pieces of aboue two pence for the ſaid Marke.

Ireland. In Ireland where no Mint hath beene ſince King *Edward* the fourth of England, the fifteene ſhilling ſterling, make twentie ſhillings Iriſh, and the Siluer Harpe of nine pence ſterling is there currant for twelue pence, and the moitie thereof accordingly, and the aboueſaid Gold coynes are currant as in England, or in ſterling reduced into their Iriſh monies one third part more: ſo that the twentie ſhillings peece of Laureat King *Iames*, is there foure Nobles, and all other diuiſions of it accordingly. So the Engliſh ſhilling is ſixteene pence Iriſh, and the parts of it accordingly. All other old Iriſh coyne is out of vſe, and little quantitie to be found of it.

Germanie. In Germany they make all their monies by the account of Batſen, euery Batts foure Creutzers, coyning pieces of three, ſix, and twelue Creutzers. So the Ducat of Hungary maketh 27 Batſes; the gold guelder 18 Batſes; the Poliſh guelder or Doller 15 Batſes, Teaſtons fiue Batſes. The ſaid Gold guelder was valued *Anno* 1520 to be currant in Holland for 28 ſtiuers, whereby their corne is bought and ſold, which is erronious and imaginary, becauſe there is no ſuch peece in *ſpecie*. So was the Doller and the Siluer guelder, called Gros or Vnciales, weighing an ounce.

The ancient Romans called an ounce a guelder, and the 8 ounces made one marke, and 12 ounces or guelders were reckoned for one pound; and there were coyned pieces called Nummi Dragmi, *alias*, Groſleyn, is the eight part of a doller; Angelicies was the $\frac{1}{6}$ of a doller, making three Batſes or twelue Creutzers, called Schriekenborgers.

The

The ſaid Angelici were Tribute penies, which being allaid and made worſe, did obtaine the name of Bats, as it were ſeeking of a benefit, which ſince haue beene more imbaſed, and therefore deſerue that name of Batſes: they are called in Thuringia, *Gulielmi*, and in Bohemia *Bohemici*, in regard of the ſaid tribute, whereof they haue alſo 12 peeces diuidedly for 12 pence, which penny is all Germany ouer two Hellers by way of account. The doller was firſt made vpon ſixtie and fiue Creutzers, which (in thoſe coynes ſo imbaſed) are anſwered by 72 Creutzers: And in other cities of Germany they reckon as followeth vpon diuers coynes, ſome made, and ſome imaginarie.

Auguſta. At Auguſta they haue ſmall monies, Groſſes of three Batſes, Lion peeces, whereof two make a Creutzer; the Blackepennie ſoure to one Creutzer, Snubourgh, Blaphart or Bohomicos of three and $3\frac{1}{2}$ Creutzers; the Ryckes doller is thirtie Albes of eight pence euery Albe, or ſeuentie and two Creutzers for the ſaid doller:

Frankford. At Frankford they diuide their Florens of ſixtie Creutzers, by twentie ſhillings, and euery ſhilling in twelue Hellers, according to the pound.

Norenborough. At Norembourgh in like manner, and the Creutzer is foure pence, euery penny two Hellers, and fiue pence called a Fynfer or fiue Pennicke.

Strausborough. At Stransborough they vſe Blapharts, Groſſes, Bohemicos of three Creutzers, euery Blaphart ſix pence of two Hellers or foure Ortlyn.

Bohemia. At Bohemia, as in Germany; and the Bohemici, are whitgroſſe of three Creutzers; the Doller is twentie foure Bohemicos, of twelue Angſter, euery Bohemico ten pence, and one Marke is fortie Bohemicos, and Scoc, is ſixtie Bohemicos.

Vienna. At Vienna the Ryckes Doller is eight ſhillings, and the Ducat twelue ſhillings.

Trioll. At Trioll the Doller at ſeuentie two Creutzers, of fiue Fynfers or Hellers the Creutzer.

Hungarie. In Hungary the ſaid Ryckes Doller is ſeuen ſhilling ſeuen pence, now inhanced to eight ſhillings.

Colloigne. At Colloigne and Cleues, a guelder is 24 whitpennie, of twelue Morkens, and euery whitpennie is two ſhillings or ſtiuers, and foure marke for the guelder.

Hamborough. At Hamborugh the Doller coyned at thirtie and one ſhillings Lups, and for many yeares currant for thirtie and three, is inhanced now to fiftie and foure ſhillings of three whitpennie, and euery ſhilling is twelue pence, of two hellers euery pennie.

Pomerania. In Pomerania the ſaid Doller is thirtie and two ſhillings, of two Snudens, one marke Snudens is eight ſhillings Lups, and the two marks Snuds are one marke Lups.

Danſicke. At Danſicke the Doller thirtie and fiue Groſſe of three ſhillings, and in other places as you may finde vpon the monies denominated hereafter, in the Chapter of the Imaginary Monies of Exchanges, for Merchants further directions.

CHAP. XX.

Of Merchants Accounts kept by Debitor and Creditor.

THE manner of keeping accounts by Debitor and Creditor, was firſt deuiſed in Italy vpon very good conſiderations. There is great affinitie betweene Faith, Truſt, and Confidence; in Diuinitie Truſt and Confidence are two handmaides vnto Faith, euen as Faith is the hand whereby we apprehend Gods mercies, to repoſe our truſt in him, and to be confident thereof. But in Humane actions the word Truſt is more proper, which imploieth a credit or beliefe which we giue or repoſe vpon others or others, doe attribute and giue vnto vs. Hence

proceedeth the Italian ſpeech, *Star dal Credere*, grounded vpon that maxim of the Ciuill Law, *Omnis homo bonus, donec contrarium probetur*; whereupon a man negotiating in this world muſt truſt and be truſted: he that is truſted with any goods, monies, or other moueable things, is therefore called a Debitor or Debtor vnto the party that truſteth him therewith, and he calleth that party his Creditor, becauſe he gaue him credit for the ſame; whereby Debitor and Creditor concurreth between party and party. Suppoſe now that a yong man beeing of age to manage his owne, is deſirous to deale in the world in traffique and trade by buying and ſelling of Commodities, or to let out his mony at vſe, or by exchange, for other countries, (vnto which three actions we ſtill obſerue our method, as being the eſſentiall parts of traffique, as often hath bin declared) and thereupon he endeauoureth to keepe a true account of all his proceedings and negotiation, by way of this manner of account by Debitor and Creditor, that is to ſay, to haue ſtill a Creditor vnto a Debitor, and a Debitor vnto a Creditor, which muſt reciprocally anſwer each other. Now conſidering of his meanes for the effecting hereof, he findeth that he hath one hundred Clothes, two hundred Kerſies, or any other commodities left him by his father or friends, and moreouer ſome thouſand pounds in ready money, and fiue hundred pounds in debts owing by ſeueral perſons, payable at ſome time to come, beſides ſome hundred pounds yearely in Lands or Leaſes: out of all theſe he maketh a ſtocke or Capitall, which hee doth enter into a booke called a Iournall, becauſe it containeth his daily actions from time to time; and from this booke they are transferred or ſet ouer into another bigger booke, called a Liedger, becauſe the ſame remaineth (as lying) accordingly in a place for that purpoſe.

A Iournall Booke.

A Liedger Booke.

The Spaniard doth call this Booke *El Libro grande*, and the Iournall hee calleth *Manuall*, beeing of a farre leſſer Volume, commonly but one third part of the other, being manuable, and vnto this they keep a Borrador or Memoriall, wherein all things are firſt entred, and may vpon occaſion be blotted, altered, or by error be miſcaſt or not well entred.

A Memoriall Booke.

But in the Iournal or Liedger booke there may not be any alteration of Cyphers, blotting (nor places left in blanke in the Iournal) but one parcell without intermiſſion muſt follow another, otherwiſe the bookes are of no credit in law, or before any Magiſtrate; whereas otherwiſe much credit is giuen to books well and orderly kept, for the deciding and determination of many controuerſies which happen between merchants and Merchants, and their Factors, which is the cauſe that I could not omit to write thereof, as a branch of the Law-Merchant, to the end that ſuch Iudges and others that are vnacquainted with the manner of it, may be inlightned in their proceedings, which in matters of this nature may come before them to be determined.

¶ *The manner how he doth enter them into the Iournall is as followeth.*

WHerein obſerue, That euery Debitor muſt haue a Creditor, and ſo on the contrary euery Creditor his Debitor, and alwaies the left ſide of your Liedger booke being open is the Debitors ſide, and the right ſide of the ſaid booke towards your right hand is the Creditors ſide, wherein you enter euery Account by it ſelfe from the parcels of your Iournall, which parcels in the ſaid Lieger booke are found in the Iournall by the date of it when it was made. But in the Iournall, the Leaues or Folio of the Liedger are noted ouer a line in the Margine for the Debitor, and vnder the ſaid Line for the Creditor: and ſo in the Liedger booke euery parcell hath in the later end a direction to the *Folio* or *Carta*, as the Italians call it, whereby the Debitor ſhewes his Creditor, and the Creditor makes relation to his Debitor; which words are not vſed, but vnderſtood, by, Such a one oweth, and Such a one is due to haue; not onely of Perſons, but of Things themſelues. As the great Merchants which buy and ſell many Commodities for themſelues, or for others, they will arme an Account, which is the Spaniſh Phraſe, *Armar vna Cuenta*; but in plaine Engliſh, They will keepe or frame an Account for themſelues, and make their Ware-houſes or Magazin

How parcells are found in the Liedger and Iournall.

Magazin.

Debitor,

Debitor, becauſe the Warehouſe is truſted with the wares or commodities: others will make the commodities Debitor, and their owne Capitall or Stocke Creditor. In like manner (becauſe their moneyes are laid vp or locked in a cheſt, which they call Caſh) they will therefore imagine this Caſh to be a perſon whom they haue truſted, and make the ſaid Caſh a Debitor for the money they put into it, and when they pay out that money, or any part thereof, they will make Caſh Creditor, and that party to whom it was paied ſhall be made the Debitor, and if hee doe pay the ſame by your order to another party, he ſhall be made the Debitor, and ſo the other is diſcharged and becommeth a Creditor; and ſo from one to another, vntill you come to receiue the money againe, and then Caſh is Debitor againe: for you muſt ſtill haue a care to finde a Debitor to haue his Creditor, and that euery Creditor may haue his Debitor. It ſeemeth that *William Sommers* (being a Ieſter to King *Henry* the eight) had ſome inſight in this manner of Account: for when the King told him, that he had deliuered a good ſumme of money vnto a Gentleman a follower of his, *Sommers* anſwered, That for doing ſo hee had noted in his Booke, that the King was a foole, giuing his reaſon for it, Becauſe the Gentleman would neuer return backe againe, and that the King was coſined: but the King asked of *Sommers*, What hee would doe, in caſe the Gentleman did returne with the money? Whereupon *Sommers* anſwered, Then I will put him in my booke for a foole, and put you out, *Sic nugæ ſeria ducunt*.

Capitall or Stocke. Caſh or Cheſt. A merry ieſt of *will. Sommers.*

To returne to our young Merchant, by this time he hath taken an Inuentorie of his eſtate, and cauſed his Clothes and Kerſies to be valued, and findeth that the hundreth Clothes are worth ſome 1200 ℔ one with another, and his two hundreth Kerſies of Deuonſhire 400 ℔: hereupon entring the yeare, moneth, and day in the Iournall, he maketh Debitor and creditor as aforeſaid.

Magazin or Warehouſe oweth vnto Capitall or Stocke 1600 ℔ for one hundreth white Clothes of the markes following, amounting to 1200 ℔, and for two hundreth Deuonſhire Kerſies at 40 ℔ the packe of twentie peeces, which of mine owne eſtate I finde in this my Warehouſe parcell of my patrimony, amounting together in wares 1600 ℔, and this ſumme is drawne out in the margine towards your right hand in the ſaid Iournall.

The manner of making Debitor and Creditor.

Caſh oweth vnto Capitall or Stocke (you need not to ſay of me *A.B.*) the ſum of 1000 ℔, for ſo much ready money which I finde this day in Caſh, proceeding of, &c. and this ſumme is likewiſe drawne out &c.

B.M. Mercer oweth vnto Capitall 300 ℔, which he owed by Bill vnto my father deceaſed, payable in two paiments, namely, &c. ſumme 300 ℔.

N.W. Merchant oweth vnto Capitall 200 ℔ for ſo much owing by him vnto my father deceaſed, which is payable the 25 of March next. by bond, &c.

The Manor of Latham in Lancaſhire oweth vnto Capitall 1500 ℔, which was left my father by deſcent from, &c. containing, &c. of the yearely value of 66 ℔, now in the tenure, occupation, or poſſeſſion of, &c. 1500 ℔.

Lands.

The leaſe of the houſe called the Golden Lyon ſcituate in Cheapſide in London, oweth vnto Capitall two hundreth pounds, for ſo much I haue paied vnto the Company of Mercers for a leaſe of the ſaid houſe for one and twentie yeares, with a reſeruation of a rent of twentie pounds yearely, to be paied euery ſix moneths, now in the occupation of *A.B.* Gold-ſmith, paying me ſixtie pounds yearely rent for the ſame, I ſay coſt me two hundreth pounds.

Leaſes.

Plate and houſhold ſtuffe oweth vnto Capitall 200 ℔, for ſo much I haue bought and finde to be in moueables of plate, apparrell, and houſhold ſtuffe ſince my fathers deceaſe, wherewith I finde all my eſtate to be worth 5000 ℔, the particulars of which plate and moueables are by Inuentory to be ſeene in my Booke of Remembrances or Memoriall; ſo for this parcell I draw out 200 ℔.

Houſhold ſtuffe.

Here you ſee that this young Merchant hath an eſtate of 5000 ℔ to begin the world withall, conſiſting of the aforeſaid ſeuen parcels. Theſe ſeuen parcels now are put ouer into the Liedger, which ſome call poſted ouer, in ſo many ſeuerall Accounts of ſeuen Debitors, and there is but one to bee made Creditor for all theſe, which is

Transferring of parcels to the Liedger.

Capitall or Stocke, which doth anſwere by correſpondencie all the ſeuen Debitors in their proper accounts, amounting all to the ſumme of 5000 ℔ on the Debitors ſide, and ſo is here 5000 ℔ on the Creditors ſide which doth ballance the other, being ſo termed of a paire of ballances, wherein equall weight being laid on euery ſide, the ballance will be juſt and euen; and in like manner muſt all accounts) kept by Debitor and Creditor) be euen ballanced, whatſoeuer the remainder of the accounts are, which falleth out by calculation vpon the account. But the maine ballance of the whole booke may not differ one penny, and fractions of halfe pence and farthings are not vſed in Iournall parcells, but accounted in the ſummaries at the firſt.

Ballancing of acconnts.

This Merchant now employeth his money and buyeth ſome other commodities to be ſent beyond the ſeas: namely, one hundreth pieces of Perpetuanoes, which coſt him ready money fiftie ſhillings the peece; more, twentie fother of Lead, at ten pound the fother; fiftie pieces of Bayes of diuers ſorts, coſt him two hundreth and twentie pounds; and twentie Redding mingled colour clothes, amounting in all to 870 ℔, which he paied in ready money. And all theſe commodities he doth enter into his Iournall in one parcell, making the ſaid Magazin Debitor for all, and his caſh Creditor, becauſe the ſaid caſh was made Debitor for the money of one thouſand pounds, as you ſee before, and now being made eight hundreth and ſeuentie pounds Creditor, there is but one hundreth and thirtie pounds more remaining in caſh, the reſt is in commodities.

Entring of parcels in the Iournall. For commodities bought and money paied for them

By this time *B.M.* the Mercer (who oweth three hundreth pounds) payeth a hundreth pounds of it, now Caſh is made Debitor for that one hundreth pounds, and *B.M.* is made Creditor for the ſame; ſo he oweth now but two hundreth pounds, and there is now in Caſh two hundreth and thirtie pounds.

For money receiued, and a debtor partly diſcharged.

The three exiſtant parcells by themſelues for the Lands, Leaſe, and the Plate and Houſhold ſtuffe, remaine ſtill in the bookes vntouched.

Subſtantiall wealth.

The Merchant beginneth to ſhip his commodities, and ſendeth his hundreth white clothes for Hamborough to a Factor, or his ſeruant, and payeth the Kings Cuſtome, and all charges concerning the ſame: and now he frameth an account of thoſe clothes, intituling the ſame voyage to Hamborough, or clothes ſent to Hamborough, do owe vnto the Magazin one thouſand and two hundreth pounds, for one hundreth white clothes ſent for my account to ſuch a man in ſuch ſhips, &c.

Accounts for voyages for Hamborough.

Then he doth charge this account of clothes with the Cuſtome and charges bee paied;—Clothes ſent to Hamborough do owe vnto Caſh ſixtie pounds for Cuſtome and charges paied for the ſame, as in the Memoriall Booke appeareth.

Money paied for Cuſtome and charges.

For Seuill in Spaine he ſendeth the hundreth peeces of Perpetuanoes which hee bought, and fiftie pieces of Bayes, and twentie fother of Lead, which did coſt him 670 ℔, and the Charges, Cuſtome, and Impoſitions are fiftie pounds *in toto*.

Voyage for Spaine.

For Lixborne in Portugall he ſendeth two hundreth peeces of Deuonſhire Kerſies, and twentie Redding clothes, which coſt him ſix hundreth pounds, and the Cuſtome and charges fortie pounds.

Voyage for Portugall.

And hereupon he armeth two accounts vnder the name of voyage into Spaine, or voyage to Lixborne, or ſome other ſuch name of the ſaid commodities, as euery man thinketh good: ſo theſe voyages are Debitor for the commodities, cuſtomes and charges thereof, and the Magazin is diſcharged, and made Creditor as aboueſaid; and likewiſe Caſh is made Creditor, hauing paied the Cuſtomes, Impoſitions and charges aforeſaid.

Magazin diſcharged.

This Merchant, not willing to beare ſo great an aduenture of ſix hundreth pounds, or ſeuen hundreth pounds in one Ship, doth cauſe himſelfe to be aſſured of three hundreth pounds in euery Ship, at foure and fiue vpon the hundreth, and payeth the ſame vnto the aſſurors. Hereupon he maketh the ſaid voyages Debitor, and Caſh Creditor for ſo much, namely, thirteene pounds for Lixborne, and ſixteene pounds for Seuil, and ſo committeth the ſame to Gods will and pleaſure, and all theſe parcells are entred into the Bookes. And *B.M.* the Mercer doth pay more two hundreth pounds, whereof Caſh is made Debitor, and *B.M.* is made Creditor, and diſcharged of the 3 hundreth

Money for aſſurance.

Money receiued.

pounds

pounds he did owe, whereby the Merchant finding ſome money to ſpare, he deliuered out two hundreth pounds at intereſt vnto another Merchant for ſix moneths, and therupon he maketh this Merchant *C.D.* Debitor, and Caſh Creditor, declaring to haue his bond of three hundreth pounds, for the payment of two hundreth and ten pounds at ſuch a day in ſuch a place. And for the intereſt money of ten pounds, hee maketh him likewiſe Debitor, and the account of profit and loſſe Creditor. But ſome men do make a particular account of Intereſt, which is at a mans pleaſure.

Money deliuered at intereſt.

Intereſt mony.

Now the the two hundreth pounds which *N.W.* oweth, are due, and hee deſireth to keepe the money for ſix moneths at Intereſt, and to giue his bond for it, which is ſo agreed betweene them; the Intereſt is ten pounds, for which he maketh likewiſe *N.W.* Debtor, and profit and loſſe Creditor.

Monies owing continued at vſe.

The Merchants eſtate ſtandeth now thus, at Hamborough one thouſand two hundreth and ſixtie pounds, at Seuill ſeuen hundreth thirtie and ſix pounds, at Lixborne ſix hundreth fiftie and three pounds, at intereſt foure hundreth and twentie pounds with the intereſt, and but little money in Caſh, becauſe of his dayly expences.

View of a Merchants eſtate by the Bookes.

Suppoſe now that the Ships of the Company of Merchant aduenturers are come from Hamborough, and our Merchants clothes are ſold to diuers Merchants and others there, to be paied at ſix and ſix moneths, for which they haue giuen their Bills obligatory to pay the ſame accordingly. But ſome of theſe Merchants are deſirous to pay their money by way of anticipation, hauing intereſt allowed them for it, after the rate of eight in the hundreth for the yeare, and ſo pay ready money to our Merchants Factor, and thereupon the ſaid Factor maketh ouer by exchange foure hundreth pounds ſterling by two Bills of exchanges to be paied here at vſance (which is two moneth after the date of the Bill) by Merchants ſtrangers. Theſe Merchant ſtrangers doe accept the ſaid Bills of exchanges, and you make them ſeuerally Debitors for the ſame, and your Factor of Hamborough Creditor for the ſaid foure hundreth pounds.

Returne of voyages.

Money paied by way of anticipation.

Money made ouer by exchange.

Moreouer, your Factor hath ſet ouer ſome of thoſe Merchants Bills of debt for forraine commodities, and hath taken in paiment two Caſes of Veluets, which did coſt eight hundreth pounds, and he ſendeth them in theſe Ships, with an account of the charges, cuſtomes, and factoridge of the ſaid Veluets, amounting to fortie pound; ſo the Veluets coſt in all eight hundreth and fortie pounds: for this you make a new account for Veluets, or the returne of the Hamborough voiage Debitor and your Factor Creditor for the ſaid eight hundreth and forty pounds, as aforeſaid. And becauſe you are to pay great Cuſtome and Impoſition of theſe Veluets, and your Caſh is not well prouided; you take vp by exchange here ſixtie pounds to be paied by your Factor at Hamborough, and deliuer your Bill of exchange for it, and receiue the money; now Caſh is made Debitor for the ſame, and your Factor that is to pay the money is made Creditor for it accordingly.

Veluets bought beyond the Seas.

Money taken vp by exchange.

This Factor doth now hy land ſend vnto you the account of your hundreth clothes ſold vnto diuers Merchants as aforeſaid, and this account is made in Hambo ough or Lups money, and it is ſuppoſed amongſt Merchants, that ſix and twentie ſhillings and eight pence of their money, is correſpondent to our twentie ſhillings ſterling; according to this you reduce your Hamborough money into ſterling money after the rate, and your Factor in the ſame account hath already deducted his factoridge, cuſtomes, and all charges incident vpon the clothes ſold by him: ſo that caſting your account vpon the nett Prouenue of your clothes, he hath receiued cleere money one thouſand foure hundreth and eightie pound ſterling; hereof now you do make your Factor Debitor, and the Voyage for Hamborough Creditor, and comming to your Leidger Booke, you finde the ſaid voiage Debitor one thouſand two hundreth and ſixtie pounds, and now to be made Creditor one thouſand foure hundreth and eightie pounds: ſo you finde here is two hundreth and twentie pounds cleere gaines by the account, vnleſſe you ſhall become a loſer in the Veluets; for the money deducted for intereſt to him that paied before his time, is already deducted in the account of clothes; ſo that to cleare this account of the voyage, you make the ſame Debitor for the

Cloth ſold beyond the Seas, and account ſent of them.

Hamborough money reduced into ſterling.

the ſaid two hundreth and twentie pounds, and the account of profit and loſſe Creditor for the ſame.

You haue now ſold your two caſes of Veluets, the one for ready money, and the other at ſix and ſix moneths daies of payment, to *W.W.* Mercer, amounting to fiue hundreth and twentie pounds, whom you haue made Debitor for the ſame, and your Veluets Creditor, and for the other you haue made Caſh Debitor for foure hundreth ninetie pounds, which you haue receiued, and likewiſe your Veluets Creditor for the ſame ſumme; ſo in both, one thouſand and ten pounds: and caſting vp your charges, Cuſtomes, and Impoſitions of your Veluets, you finde them to amount vnto 80 ℔, and for this ſumme you make Veluets Debitor, and Caſh Creditor: ſo your Veluets did coſt with all the ſaid charges 920 ℔, and they were ſold for 1010 ℔; ſo there is 90 ℔ aduanced by the ſaid Veluets, whereof to cleare this account, you make Veluet Debitor, and Profit and Loſſe Creditor, as aforeſaid. Hauing now money in Caſh, you make ouer 300 ℔ for Amſterdam by exchange, with condition and order to your Factor, That from time to time as the money groweth due, he ſhall make it ouer againe by exchange vnto you at double Vſance, which is two moneths, as you made it ouer vnto him: ſome now in this caſe will arme an account of exchanges; but it is better to make the Factor of Amſterdam Debitor for it and Caſh Creditor.

Returne from Spaine in Tabacco.

Ships are now arriued from Saint Lucar in Spaine, and your Factor of Seuill hath ſold your Perpetuanoes, Bayes, and Lead, and in returne thereof hath ſent you a parcell of Tabacco, becauſe Cutcheneall was too deare, and rich Indico is here too good cheape: withall he hath ſent you the account of your commodities kept in Royalls of Siluer, accouting ſix pence for a Royall of the cleere Prouenu, being 27240 Royalls, making ſterling 681 ℔, whereof you make him Debitor, and the Voyage for Spaine Creditor, and when you come to your Leiger Booke, there it appeareth that the ſaid goods did coſt you 736 ℔, and ſo there is loſt 55 ℔. For this now to cleere the account of the ſaid goods, you make Profit and Loſſe Debitor, and the ſaid Voyage Creditor to ballance this loſſe, contrary to the gaine, the Tabacco did coſt with all charges 24800 Royalls, which is 620 ℔, for this you make an account of Tabacco Debitor, and your Factor of Seuill Creditor, in the ſame manner as you did you Veluets, putting thereunto the great Impoſt which you paied for the ſame, and all charges; and hauing ſold your Tobacco for ten ſhillings a pound one with another, you finde to haue made cleere aboue one thouſand pounds, be it 1010 ℔, which coſt you in Spaine but 620 ℔, ſo here is 390 ℔ gotten; but when you loſt 55 ℔ by your wares ſent into Spaine: well, this account is cleared, Tobacco is made Debitor 390 ℔, and Profit and loſſe Creditor for the ſame, and now you are well ſtored for money, for all is ready money, ſauing 300 ℔ at ſix moneths. Heereupon you make more money ouer by exchange for Amſterdam, by ſeuerall Bills to your Factor, to the ſum of 500 ℔, and therupon he is made Debitor, & Caſh Creditor for the ſaid ſum, *Interim* your ſaid Factor of Amſterdam hath made ouer vnto you by exchange the former 300 ℔ backe againe, for which you make him Creditor, and the party Debitor that is to pay you the money at double Vſance.

Accounts of goods ſold in Spaine.

Loſſe vpon wares in Spaine.

Reduction of Spaniſh money into ſterling.

Gaine by Tabacco.

Money made ouer by exchange.

The Ships of Lixborne are alſo arriued, and bring in returne of your Kerſeys and Reading clothes, fortie cheſts of Sugar of the three ſorts, *Pancla*, *Maſcauado*, and *Blanco*, or white, with aduice that the commodities are ſold at a reaſonable rate, for by the account it appeareth that the nett Prouenu of it commeth to 1204 thouſand 800 Reys, which make 3012 ducats of ten Royalls, or 400 Reys, is ſterling 753 ℔; ſo that there is aduanced by the account juſt one hundreth pounds, which are carried to the account of Profit and Loſſe, as in the former Accounts. The fortie cheſts of Sugars did coſt 550 ℔, whereof the Factor of Lixborne is made Creditor, and the Account of Sugars Debitor, in like manner as aforeſaid, *Mutatis*, *Mutandis*, and the ſaid Sugars were ſold paiable at ſix and ſix moneths, for 820 ℔; ſo that the charges and cuſtomes deducted, there was 190 ℔ gotten, which are likewiſe poſted to the account of Profit and Loſſe.

Reduction of Portugall money into ſterling.

Money which was made ouer, returned by exchange againe.

The 300 ℔ made ouer from Amſterdam, are now due to be paied here, and the Merchant

chant doth offer you to pay them by a new Bill of exchange; whereunto you agree, and hereupon you make him Creditor, and your Factor of Amſterdam againe Debitor: and withall you make ouer by exchange other 200 ℔ payable at double Vſance; and for this you make him Debitor alſo, and Caſh Creditor.

The yeare is now almoſt expired, and euery prouident Merchant doth commonly make vp his Account, and draweth a ballance of his booke, and this Merchant findeth to haue receiued of his Mannor of Latham, and leaſe of a houſe 106 ℔, and for this he charged his Caſh, and carrieth the ſame to Gaine and Loſſe, as he did all the former parcels. Then he doth caſt vp his expences of houſe keeping, which came to 150 ℔; and for this he maketh Profit and Loſſe Debitor, and Caſh Creditor.

Money receiued of Lands and Leaſe Expences of houſe keeping reckoned.

The 400 made ouer from Hamborough are receiued, and Caſh is Debitor for it, and the parties that paied the ſame, are made Creditor, and diſcharged. Now by the Account of Profit and Loſſe, there appeareth to be gotten 911 ℔ cleare, all charges and expences deducted: this is now carried to Stocke, which is now 5911 ℔. Hereupon take all the remainders of the Accounts by Debitor and Creditor, which is the ballance of the Booke, and you ſhall finde nothing on the Creditors ſide, but the Capitall of 5911 ℔, which is ballanced by the nine accounts following, and the three accounts for the lands, leaſes, and houſhold ſtuffe, amounting to 1900 ℔ vnaltered; So 1900 ℔ for the ſaid lands, leaſe, plate, and houſhold ſtuffe.

Gaines of the Account of Profit & Loſſe, and Loſſe carried to Capital or ſtocke.

Ballance of the Leiger Booke.

420 Owing by two parcels at intereſt, by *C.D.* and *N.W.* Merchants.
520 Owing for Veluets ſold to, &c.
300 Owing for Tabacco ſold to, &c.
820 Owing for Sugars ſold to, &c.
1000 Owing by the Factor of Amſterdam, &c.
180 Owing by the Factor of Hamborough, &c.
61 Owing by the Factor of Seuill, &c.
203 Owing by the Factor of Lixborne, &c.
507 Ready money in Caſh.

5911 ℔.

Thus it appeareth, that this Merchant hath augmented his Capitall or Stocke nine hundreth and eleuen pounds, being now worth 5911 ℔. And if he had beene a loſer by the Account of profit and loſſe, then muſt he make his Capitall Debitor, and the ſaid Account Creditor, to ballance the matter, whereby his Stock would haue decreaſed. Now by theſe proceedings in buying and ſelling, receiuing and paying, you may vnderſtand all other Voyages for what places ſoeuer, taking notice of the diuerſities of monies and calculations of Exchanges already declared in our former Chapters; hauing an eſpeciall care to keepe an orderly Caſh booke of all the monies receiued and paied out; which, as money is *Publica Menſura*, or a right Iudge to ſet a price vnto euery thing, ſo may you by the meaſure thereof (truely entred in the Caſh Booke) finde out many doubts, queſtions, and vncertainties in Accounts. For the monies being proceeding from the originalls of commodities or exchanges, and the perſons with whom you deale therein, giuing you light and direction to diſcuſſe their differencies; and therefore it may well be compared to the meaſure of *Hercules* foot, whereby the whole Symetricall proportion of all his body was found out. And many Merchants Accounts are ſo intricate, and ouergrowne with errors, as *Archymedes* Tombe with thornes, when *Cicero* came to viſit it.

Loſſe by the Account of profit and loſſe

The importance of a Caſh Booke.

Symetricall proportion of Accounts.

But now me thinkes I here one ſay, You haue briefely ſhewed vs the manner of Accounts by Debitor and Creditor, with the application of it to a Merchants negotiation for Commodities and money, and alſo by deliuering money by exchange, and how money is gotten by Commodities, and by letting the ſame at Intereſt; But I cannot vnderſtand how a Merchant getting mony by exchange of mony by bils of exchanges.

Hereunto I anſwere, That it was omitted of purpoſe, becauſe it ſhould not obſcure the former demonſtration, otherwiſe the matter is of ſuch importance, that whoſoeuer dealeth without conſideration of it, is like to a blind man groping in the darke, and yet may

may hit the egge. For (according to the price of Exchange) all the commodities of realme which are exported, and all the forreine commodities imported, are ſold.

Profit of exchange known by the rechange.

Know ye therefore that the benefit or profit of exchange is neuer knowne directly, but by the rechange thereof: to which end you may remember, that our Merchant did firſt make ouer three hundreth pounds by exchange for Amſterdam, which were rechanged againe; and then he made ouer fiue hundreth pound, three hundreth pounds, and two hundreth pounds, in all one thouſand pounds; and now lately he hath made ouer one thouſand pounds more for the ſaid place of Amſterdam, all at double Vſance, to make the better benefit and leſſe charges. Theſe monies are made ouer at ſeuerall places as followeth.

The manner how exchange giveth profit.

	℔	ß	d
300 ℔ are made ouer at thirtie fiue ſhillings Flemiſh forthe pound, is--	525	0	0
500 ℔ are made ouer at thirtie foure ſhillings ten pence, is Flemiſh—	870	16	8
300 ℔ at thirtie foure ſhillings ſix pence, is—	517	10	0
200 ℔ made ouer at thirtie foure ſhillings eight pence, is Flemiſh—	346	13	4
1000 ℔ at ſeuerall prices one with another, at thirtie fiue ſhillings—	1750	0	0
So the 2300 ℔ ſterling paid at Amſterdam, is Flem.—	4010	0	0

Theſe monies haue beene made ouer, or returned againe by Exchange at ſeuerall prices, and the account cleered as followeth

	℔	ß	d
300 ℔ were made ouer from Amſterdam, at thirtie foure ſhillings two pence, is—	512	16	0
500 ℔ were made ouer at thirtie three ſhillings ſix pence for the pound ſterling—	837	10	0
500 ℔ at thirtie three ſhillings nine pence, paied at Amſterdam for the pound—	843	15	0
500 ℔ at thirtie three ſhillings eight pence in like maner, is—	841	13	4
The Factor taketh for his ſallarie, and paied to brokers—	21	4	8
And maketh ouer 500 ℔ more, and gaue thirtie three ſhillings ten pence for the pound—	845	16	8
More at the ſame price of thirtie three ſhillings ten pence, hee made ouer the juſt remainder in his hands, being 101 ℔ 10 ß 4 d, and ſendeth a particular Bill of Exchange of 63 ℔ 11 ß for it	107	10	4
	4010	0	0

Gain by exchange to profit and loſſe.

Here you may finde diſtinguiſhed, that whereas you made ouer from London the ſum of 2300 ℔ ſterling you now receiue backe 2363 ℔ 11 ß, whereby your profit is 63 ℔ 11 ß, of this you make your Factor Debitor, and the account of Profit and Loſſe Creditor, and the like of other ſummes for other places. The Spaniard therefore frameth an Account of generall exchanges for all places, called *Cambios generales*, to keep an euen and juſt account with his Factor, admitting a certaine rate betweene him and the ſaid Factors, according to which he rateth all the parcels of account, be it for commodities bought or ſold, or monies paied and taken vp againe by exchange, which is the more labour, but more exactly done; otherwiſe it bringeth ſome alteration in account, As for example.

Difference in the rate of exchange.

This Merchants Factor at Hamborough doth remaine Debitor vpon the Account one hundreth and eight pounds, which is according to twentie ſix ſhillings eight pence for the pound ſterling. This money he maketh ouer by exchange, but he is faine to giue twentie ſeuen ſhillings for the pound, which doth differ foure pence lups in the pound ſterling: ſo that for this difference you muſt make another parcell, charging the account of Profit and Loſſe with this loſſe, and making your Factor Creditor for it; whereas in the generall account of exchanges, all is brought ouer in one parcell; but herein euery man may follow his pleaſure.

Obiection.

Another obiection is made, How ſhall a man doe that hath no ſtocke, or little or nothing

nothing to begin the world, as diuers men that from nothing come to an exceeding great wealth? what booke of account can they keepe by Debitor and Creditor?

Answere. The answere is manifeſt, all is grounded vpon truſt. If any man will ſell you Commodities payable at long daies of payment, and you ſell them, and pay him with his owne, you can make him Creditor for the ſame, and the commoditie Debitor: and in like manner if any man lend monie vnto you to trade withall. So that you may perceiue that this is an excellent inuention, and a moſt commodious courſe to know things readily.

The keeping of accounts by the Bankers. The Bankers therefore that deale for millions of pounds, and make great payments continually by aſſignation, do ſumme vp euery tenne parcells, and poſt them ouer to a new Account, becauſe them know at all houres whether a man be Debitor or Creditor vnto them.

If the treaſure of Princes were diſpoſed by this manner of Account, they ſhould receiue many benefits and aduantages:

Princes accounts to be kept by Debitor and Creditor. Firſt, they ſhould not be in wants as they commonly are, but make their treaſure go further in paiments, becauſe they may know at all times where to finde their owne, and what is owing vnto them.

Secondly, they ſhould not be deceiued as they are by their Auditors accounts, by way of charge and diſcharge, made ſometimes many yeares after, when commonly officers are much indebted vnto them, and yet call for money continually, which afterwards (before the account made) is conſumed by extraordinarie allowances, which are eaſily procured, when their monies are out of their coffers; ſo that vpon the matter, they might pay that with one pennie which now doth coſt them three pence, whereof the late wars in Ireland gaue vs a ſufficient inſtance.

Laſtly, the charges and expences of officers would be much diminiſhed, and Princes would content their followers and ſubjects with better pay.

Notable example of King *Henry* the ſeuenth. Worthy of perpetuall remembrance is that noble Prince King *Henry* the ſeuenth, who (in his ſingular wiſdome and policie) knowing how Princes are ſubject to bee wronged by their Officers in the diſpoſing of their treaſure, by fraudulent and deceitfull accounts, which either by ignorance or otherwiſe by conniuence doe paſſe, did himſelfe (with great facilitie) take an inſpection in all his Exchequer Accounts, by an abſtract of the ſaid Accounts, entred in a booke by ſome experienced and skilfull man in Accounts, whereunto his highneſſe did ſubſcribe his royall ſignature, before the Officers (vpon good certificate made to the Lord Chancellor) could haue their *Quietus eſt* paſſe the great Seale of England. And the ſaid King was pleaſed many times to enter into particular examination of ſome of the Accounts, whereby he did ſtrike a terror into the hearts of the officers; ſo that they became more carefull, and durſt not commit any fraud or deceit by combination or tolleration, but his treaſure was duely adminiſtred and preſerued. This Signature of the Kings in the ſaid booke, is extant to be ſeene in his Majeſties Exchequer.

Prouidence of the French King *Henry* the fourth. Vrgent neceſſitie cauſed the late French King *Henry* the fourth, when he was King of Nauarre, to be preſent in the diſpoſing of his treaſure: in ſo much that afterwards (in poſſeſſing the Diademe of all France, and calling to remembrance his former obſeruation, by comparing things to their firſt principles) he found that of euery French crowne (being ſixtie ſoulz) which his coffers ſhould receiue, there came not aboue the fourth part *de claro* vnto him. Whereupon by rooting out of corruption, depoſing of needleſſe officers, profitable emptions of things neceſſary, and by wiſe diſpoſing of them, he brought (*è contrario*) three parts of euery crowne vnto his coffers, and did in progreſſe of time accumulate a very great treaſure: and yet did he increaſe Officers fees, according to the alteration of time, which (by accidentall cauſes) had made euery thing deerer.

Factors Accounts. Thus much *obiter*. Now if a Merchant be alſo a Factor for others in the buying and ſelling of Commodities, deliuering of monies at intereſt, and by dealings in Exchanges and Rechanges, hauing factoridge allowed to him for the ſame, according to the manner of Merchants, ſome more and ſome leſſe, as they agree betweene them, the

difference in keeping other mens Accounts with whom they haue any correſpondence, is but ſmall; for if it be for goods or merchandiſes ſold, they will intitle the Account, Goods of the Account of ſuch a man do owe vnto Caſh ſuch a ſumme paied for Cuſtome and Charges; or if it be for goods bought, he will do the like, and diſcharge the Accounts by making the ſaid Merchant Debitor or Creditor, for it is as the ſaid Accounts require, which he doth alſo charge with factoridge, or prouiſion for his ſallarie: and therefore all Factors keepe a particular Account, to know what they haue gotten by factoridge or prouiſion at the yeres end, and then they charge that Account with their charges and all ſuch expences, as they haue been at, and the remainder is poſted to Capitall, as in the Account of Profit or Loſſe; whereupon ſome others doe bring their charges and expences, and ſo carry all the prouiſion to Capitall or Stocke: Herein euery man may vſe his pleaſure, for this manner of Account affordeth many diſtinctions all which ſeuerall branches or members of Account may be brought to make vp the compleat Bodie; for by the diſmembring of an Account, ſeparating euery thing in his proper nature, you are inabled to finde out many errours and intricateneſſe of Accounts, by reducing the Body of it to his perfection.

Diſmembring of Accounts.

In this place may be expected a declaration of the ſeuerall Coynes, or calculation of monies, wherein the Bookes of Merchants Accounts are kept beyond the Seas: But becauſe the ſame is founded vpon the ſeuerall Exchanges beweene countrie and countries, I haue thought good to referre the ſame in the proper place of Exchanges hereafter following, and to conclude this ſecond part of *Lex Mercatoria*, with that notable queſtion made by the Civilians; Whether a Merchant or a Banker, keeping two Bookes of Account, the one concerning the monies of his Banke, and the other touching trade of Merchandiſe for wares, ſhall be cenſured alike for ſuch monies as he oweth vnto his Creditors? So that the Creditors (after his deceaſe) ſhall all ſtand in equall degree to be paied, either in the whole or in part, if the Bankers eſtate be not ſufficient for the paiment thereof; Herein the Iudges of Merchants doe make no difference, but the Civilians haue made a great diſtinction therein, and they ſay, That the Booke of the Banke, is more to be credited than the other; for, ſaith *Benuenuto Stracha*, the Booke of the Banke was kept publikely, and the other (as it were) ſecret to himſelfe: ſo that the Creditors of the one are to be diſtinguiſhed from the other, as being two negotiations, and to be dealt therein according to their ſeuerall natures, and the meanes thereof extant, with ſuch conſiderations as may be incident thereunto. To declare my owne opinion, I ſay, That the Canon and Ciuile Law, making no diſtinction in the payment of the Teſtators Debts, betweene monies owing for wares or for intereſt; there ought not to be any difference in the nature of the debts, in regard of the Bookes of Accounts.

A Queſtion made by Civilians about Bookes of Account.

The End of the ſecond Part.

THE THIRD PART OF *LEX MERCATORIA*, OR THE Ancient *Law-Merchant*; concerning Exchanges for Monies by Billes of Exchanges, compared to the Spirit or Facultie of the Soule of TRAFFICKE and COMMERCE.

HAVING (in the First and Second Part of this Booke) intreated of the Body and Soule of Trafficke, namely, Mommodities and Monies. Let vs now handle the predominant part of the course of Trafficke, which is the Exchange for monies, by Bills of Exchanges for forraine parts, compared to the Spirit or Facultie of the Soule. For as monies doe infuse life to commodities by the meanes of Equalitie and Equitie, preuenting aduantage betweene Buyers and Sellers: so Exchange for monies by Bills of Exchanges (being seated euery where) corroborateth the Vitall Spirit of Trafficke, directing and controlling (by just proportions) the prices and values of commodities and money, as shall be declared.

Many men cannot well discerne the distinction of the Spirit in sundry matters, because man (consisting of Body and Soule (that) which belongeth to the Spirit) is comprised vnder the name Soule: but if they be willing to vnderstand the necessary distinction hereof, reason in the Theoricke Part, will demonstrate the same in the Practike Part of this discourse of Exchanges.

Saint *Paul* in the later end of his second Epistle to the Thessalonians, wished a sanctification to their spirits and soules, and their bodies vntill the day of Iudgement. For albeit the Spirit of man, is rightly termed to be the Facultie of the Soule; yet the parts of the Soule concerning Vnderstanding and Will, haue their proper relation; for that part called Vnderstanding, is seated chiefly in the Soule, as Will is in the Spirit, both to be accompanied with Knowledge. 2. *Thess.* 5. 23.

The Facultie of the Soule, is the Spirit of man.

The Philosophers haue made this distinction by their Chimicall obseruation: and such as place the Soule in the bloud (dispersed through all the veines of the body) doe also place the Will of man in the spirit, residing in the heart of man, which the Anatomists demonstrateth to be a little concauitie, where the drops of the vitall bloud are placed in the heart, which are seared vp, and the place is shrunke in bodies which haue beene poisoned.

To make application of this comparison betweene the Soule and Spirit, wee shall finde by the following discourse, that euen as the Spirit of man is predominant ouer the Soule and Body in all the actions thereof, which by the bloud are quickned and preserued, euen so is the Exchange for monies by Bills of Exchanges, ouerruling the course of commodities and monies in all places where the action of money is felt or seene, directing the same (by some due proportions) accordingly.

Application of the comparison.

CHAP. I.

Of the Beginning of the Exchange for Monies, by Bills of Exchanges.

THE Exchange for monies is of great antiquitie: for (as we haue declared) the firſt Siluer monies coined by the Romanes is almoſt 1900 yeares ſince. And euen as money was inuented to be made of the beſt mettalls, to auoid the troubleſome carriage of commodities vp and downe, and from one country into another: So (vpon the like conſiderations) when other nations (imitating the Romans) did coine monies, Exchange by Bills for monies was deuiſed, to auoid both the danger and aduenture of monies and the troubleſome carriage thereof. This mony now being made by diuers Nations of ſeuerall ſtandards and diuers ſtamps and inſcriptions, (as a Marke of Soueraignetie) cauſed them to appoint a certaine exchange, for the permutation of the ſeuerall ſorts of coines in diuers countries, without any tranſportation of the coine, but giuing *Par pro Pari*, or value for value, with a certaine allowance to accomodate the Merchant: and the officers to execute the ſame, were called *Numularij*, *Argentarij*, and *Collybiſtæ*, that is to ſay, *Numularij* of *Nummus* or the coyne it ſelfe; *Argentarij*, becauſe the ſiluer coyne was moſt vſuall in the courſe of trafficke; and *Collybiſtæ*, becauſe it ſignifieth a reward for Exchanging.

The cauſe of the Exchanges

Here now let vs obſerue foure manner of Exchanges which haue beene vſed, and in ſome countries are yet continued, albeit ſome of them are abrogated in England, commonly called *Cambio Commune*, *Cambio Reall*, *Cambio Sicco*, and *Cambio Fictitio*, which denomination may be admitted.

1 *Cambio Commune.*

The firſt manner of Exchange called *Cambio Commune*, is properly that Exchange which the ſaid *Collibiſtæ*, or common Exchangers did vſe by the authoritie of Princes and Common-weales, for the lawfull and currant monies of their Kingdomes aud Territories; which was found to be very expedient and neceſſary, and was eſtabliſhed to preuent the exportation of money from one country into another country: and theſe Exchangers did deliuer in all countries the monie in one ſpecie, for the monies in other ſpecies by them receiued, as aforeſaid. Whereupon King *Edward* the third of England cauſed certaine Tables to be ſet vp at Douer and other places of the Realme, declaring the value of the ſaid ſundry ſpecies of coyne of all countries trafficking with his ſubjects, and the allowance which Merchants were to giue to haue their turns ſerued; as may appeare by the good Lawes made in his time, when there was monies coynded in diuers places of this Kingdome, and not in one mint only, within the Tower of London. And this was long before the diſcouery of the Weſt-Indies, from whence the ocean of Monie did runne into Chriſtendome. And for the gouernement of the ſaid Tables, all was at the direction of the Maſter of the Kings Mint at London, and with a correſpondence of other Mints, namely, at Canterburie, at Kingſton vpon Hull, New-caſtle vpon Tine, Briſtoll, and Exceter. And the Exchanger for the King at London did alſo depute Exchangers in the moſt places, except that certaine Merchants of Florence, called *Friſcobaldi*, were the Kings Exchangers at Kingſton, Newcaſtle, and Exceter, who made the ſaid Exchanges of value for value, with a reaſonable allowance; and by their meanes were all the ſaid Mints ſet on worke, and the tranſportation of our Monies was preuented; for as Biſhop *Turſids* booke of Arethmaticke declareth,

Tables of Exchange.

Friſcobaldi the Exchangers.

declareth, by giuing *par pro pari*, or value for value, there was no gaine left to the transporter.

The Kings of England did constitute these Exchangers, euen as the Cambiadores and Banquers are vsed in other countries, being authorised by the King or Prince of the said countries, especially King *Edward* the first of England, who had two Exchangers, the one called *Custos Cambij infra Turrim*, who had the charge in buying of Bullion and to looke to the coynage of Monie within the Realme, now called the Warden of the Mint: the other was called Keeper of the exchange and rechange within or towards this Realme, for Monies to be paied *in specie*, by Bills of Exchanges beyond the seas. And afterwards the said Exchanges were made without naming the *species*, but according to the value of the seuerall coynes, and this was called *Cambium Regis*, or Royall Exchange, which caused Queene *Elizabeth* to name the Burse in London accordingly. Kings Exchangers. 2 *Cambio Reall.*

This office appeareth to haue beene in the eleuenth yeare of the said King Edward, by an Act of Parliament made at Acton Burnell, since which time the succeeding Kings and Queens haue continued the same by sixteene seuerall Letters Patents. And whereas it seemed that the said two Exchangers could not execute their offices conueniently being asunder; it fell out, that in *Henry* the sixth his time, a Law was made, by which both offices were put into one mans hand, and so continued many yeares, vntill the time of King *Henry* the 8, when he caused base Monies to be made at the seige of Bulloigne, whereupon no certaine Exchange could be grounded: albeit that before that time, in the two and twentieth yeare of his raigne, he caused a Proclamation to be made according to an old Statute made in the time of King *Richard* the second, That no person should make any Exchanges contrary to the said meaning or Act of Parliament, vpon paine to be taken to be the Kings mortall enemy, and to forfeit all that he might forfeit. For in his noble fathers time King *Henry* the seuenth, the Bankers had inuented a course of merchandising by Bills of Exchanges, which they named *Cambio sicco*, and *Cambio fictitio*. Exchanges discontinued. The Chronicle of *Grafton.*

This *Cambio sicco, alias* called dry Exchange, is in this manner: A Merchant hath occasion to vse, *Verbi gratia*, one hundreth pounds, which they will deliuer him in London, to be paied vnto their Factor at Stoad: but hauing there no Factor of his owne, the said Merchant is content to make his Bill of Exchange vpon the Bankers Factor, payable to him the said Factor, with order and aduice, that when the said Bill shall be due, he shall charge him by Exchange againe, and take vp the monie there, and he will pay the same with the rechange and charges of Factoridge and Brokeridge: wherein they will be sure to make him pay very great vse or interest, of fifteene or twentie in the 100 for the taking vp of this monie, and to make it more drier Exchange, they will be contented to take no Bill at all, but the Merchants promise to pay it as other men do at the same time, dealing in Exchange for the said place of Stoad, and in like manner for other places. 3 *Cambio sicco.*

Cambio fictitio is yet more pernitious, and performed in this manner: A Merchant (to keepe his credit) being driuen to buy goods for a shift, when Money is not to be had, and he will not be beholding vnto others, comming vnto them (as hauing store of commodities at all times) they faine that they haue need of Monie, and must sell their commodities for ready Monie; prouided alwaies (say they with louing protestations) we will pleasure you thus far, looke what the goods come vnto, we will take it vp for you by Exchange for Venice, Lyons, or some other place, so as you will pay vs for Exchange, Rechange, or any other incident charges: whereunto the Merchant agreeing, then shall he be sure to pay soundly for the vse of the Money, and lose exceedingly vpon the wares. 4 *Cambio fictitio.*

These two biting manner of Exchanges being discouered, were by an Act of Parliament prohibited in the third and fourth yeare of King *Henry* the seuenth: afterwards (as is noted) the Exchange being discontented in the time of King *Henry* the eight, it happened that the former abuses came to be rife againe in the raigne of King *Edward* the sixth, which caused the vse of Exchange to be vtterly forbidded for a short time. Exchange was forbidden.

But

But as ſhips cannot ſaile without water, no more can trafficke ſubſiſt without Exchange in the accuſtomed places: ſo that the inconueniences appearing it was reſtored againe in hope of good dealing and reformation promiſed by other Princes, concerning the Royall Exchange. But in the time of Queene *Mary* it was againe neglelected; who beeing married with King *Philip* the ſecond of Spaine, did conniue in thoſe things, becauſe the dominion of the Low-countries were eſteemed to bè vnder one degree.

Complaints of Exchanges.

In the beginning of the raigne of Queene *Elizabeth*, new complaint were made of the new Exchanges, by Mr *Huſſell* Courtmaſter of the Companie of Merchants Aduenturers; but no man could apply or finde a remedie to moderate the inequalitie of Exchanges, and to haue value for value, as appeareth by Letters Patents granted to the old Lord Treaſurer *Burghley*, who did not execute the ſame in three and twenty yeares after for want of true direction, to the great loſſe of the Realme, as may be ſeene by a Commiſſion in Blanke returned by diuers Merchants: albeit the Italian Merchants in thoſe daies could not deny the abuſes therof being expoſtulated withall, as by their politicke Letters appeareth, vnder the hand of *Acerbo Velutelli*, *Suigo Canalcanti*, and others, who wanted not ſome vpholders to maintaine their priuate benefit.

CHAP. II.

Of the true calculation of Monies in Exchange by Bills of Exchanges, according to Par pro pari.

The true ground of Exchanges.

THE true Royall Exchange for Monies (by Bills of Exchanges) is grounded vpon the weight, fineneſſe and valuation of the Money of each countrie, according to the *Par*, which is, value for value: and ſo is our Exchange of England grounded vpon the weight and fineſſe of our Monies aforeſaid, and the weight and fineſſe of the Monies of each other countrie, according to their ſeuerall ſtandards proportionable in their valuation, which (being truely and juſtly made, maketh the price of Exchange for euery place, according to the denomination of the Mony, whereupon all Exchangers are made.

Theſe Exchanges doe much differ in the name and proportion betweene the gold and ſiluer obſerued in moſt Countries; ſo that wee are to examine and compare our weight aforeſaid, with the weight of other countries: and the fineneſſe of the ſterling ſtandard with the fineſſe of the ſeuerall ſtandards of the coynes of other Countries: and if we differ not with them in the proportion betweene the gold and ſiluer, then may our Exchanges run at one price both for gold and ſiluer, taking the denomination according to the valuation of Monies of each countries: and hereby ſhall wee finde how much fine ſiluer or gold our pound ſterling containeth, and what quantitie of other monies of Germany, Italy, France, the Low-countries, Eaſtland, and elſewhere we are to haue in Exchange to counteruaile the ſame in the like weight and fineſſe anſwerable vnto ours, be it by the Pound, Doller, Ducat, Crowne, or any other imaginarie or reall coyne, giuing alwaies value for value, and receiuing the like, which is called *Par*. But this courſe of Exchange being of late yeares abuſed, and (as it were) made a merchandiſe, doth ouerrule the courſe of Commodities and Monies by riſing and falling in price according to plentie and ſcarcitie of Mony, and in regard of diſcrepaunce and diſtance of time and place: which made ſome Merchants (by miſtaking) to compare the courſe of Commodities and Exchange to be a like; as if the meaſure of a

The manner to calculate Exchange.

Imaginarie and Reall coyne.

Par of Exchange.

thing

thing, and the thing measured thereby were alone. For euen as mony is *Publica Mensura*, or the publike measures within the Realme betweene man and man: so is Exchange for monies, the publike measure betweene vs and forraine countries for all commodities bought and sold, which therefore requireth a certainetie in the calculation of the *Par* aforesaid, admitting neuertheless an aduantage aboue the same, vpon occasions on either side.

Exchange the publike measure of nations, &c.

This Exchange is properly made by Bills, when monie is deliuered simply here in England, and Bills receiued for the same, to haue the payment thereof in some other countrie beyond the Seas, or when the like is done beyond the seas, and the monie is receiued here in England, and that vpon a certaine price agreed vpon betweene partie and partie, which is termed the price of Exchange, whereof Merchants haue the onely and whole disposing, and buy and sell their commodities beyond the Seas accordingly: without that few or none of them do looke into the nature of Exchange, as aforesaid, but onely to the present obiect, which is, to know how the price of Exchange goeth at the time when they haue occasion to deale therewith: howbeit such merchants as neuer or seldome deale for Commodities, but altogether for Monie by Exchange haue another obseruation therein; and Merchants that will be Exchangers indeed, must know perfectly the weight and finesse of our English coyne, and of the forraine coyne also, and compare the same together to make the said calculation of Exchanges; wherein they are not to be directed by the valuation which is vncertaine and inconstant, much lesse by the tolleration of monies beyond the Seas to goe currant aboue the said valuation; so that by authoritie they ought to be gouerned and directed herein, declaring the true value for value, or *Par pro Pari*, as the very foundation of all Exchanges; because this is not a fit studie for euery Merchants capacitie, and may be done neuertheless with great facilitie, and without interruption of trafficke, as shall be declared.

The manner of the Royall Exchange.

Valuation of money beyond the Seas inconstant.

But to come first to the particulars concerning weight, wee are to know, that in all places beyond the Seas, they vse for their monies (both of Gold and Siluer) the marke weight of eight ounces, heretofore spoken of, with the diuision of twentie pennie weight, or twentie English, so called beyond the Seas, and the subdiuision of twentie and foure graines here, or 32 azes or graines there. These eight ounces compared vnto our pound weight Troy of twelue ounces, are within a little all one, ounce for ounce in weight. But vpon the pound of twelue ounces, as aforesaid, which is one marke and a halfe marke weight of theirs, it is found that in the said proportion of a pound, our weight is heauier than the weight of Germany and the Low-countries by three pennie weight; and than the weight of France, Italy, Spaine, and Scotland, by foure pennie weight: all which may be considered in the price of Exchanges, in allowing more or lesse for the *Par* according as the foundation of the Exchange lieth, either vpon our twentie Shillings sterling, or vpon their Crowne, Ducat, Doller, Florin, or other coyne, which is properly the head or *Radix Cambij*, wherupon Exchanges were made. This weight is to be considered in the weight of the peece of coyne, and from the peeces to the number of them in the marke or pound weight aforesaid.

Weight of money in Exchanges.

The head of Exchanges, or *Radix Cambij*.

Concerning the finesse of monie to be calculated in Exchange, the same is knowne by weight, for it must be distinguished thereby; that is to say, We ought to know how much fine Siluer or fine Gold there is in the marke or pound weight, of the sundry coynes of the seuerall standards of monies of all countries, where Exchanges are vsed betweene vs and them: and to calculate the same vpon the pound sterling for some places, or vpon the Crowne, Ducat, Doller, Florin, and other imaginary coynes for other places, to the end we may haue finesse answered by weight.

Fineneſſe of money in Exchanges.

To vnderstand the premisses, let vs suppose that a Merchant stranger commeth into the Realme, and bringeth with him many vnknowne and strange coynes, to haue the coyne of the Realme for it, according to value for value by weight and finesse, and that the said Merchant (hauing weighed the said coynes) hath a sufficient knowledge of the quantitie of fine Siluer and Gold which is contained in the said weight, and his desire is to haue the same answered vnto him by the like weight, and by the like fine-

The manner to examine the weight and fineneſſe of money.

neſſe

neſſe in weight in monies of this Kingdome. Herein (no doubt) he will be aſſured, what fineneſſe or fine Siluer and Gold there is in our monies, and that he may haue the ſame by weight in the ſaid quantitie of coines, whereupon (after the weight of our monies) he will calculate diſtinctly what quantitie of Siluer and Gold there is in the ſaid monies, and what quantitie of Copper, and ſo will require the full quantitie both of the Siluer & Gold, and of the Copper accordingly. So is it with the matter of Exchange, grounded vpon the very value of coynes, if there were no valuation whereby the price of coynes is baptized and receiueth a name, which giueth a denomination of price vnto the ſaid coynes, or vnto the Exchanges of the ſaid coynes, which in the manner aforeſaid maketh the ſaid price of Exchange.

But ſo long as the calculation remaineth vpon weight and fineſſe, without reſpect had to the valuation; ſo long may we eſteeme the ſaid coines to be in the nature of Materialls or Bullion; that is to ſay, Prohibited monies to be currant, which forreine Nations call Bullion, as it were vnlawfull and fit to be molten downe, from whence the word Bullion is deriued, or which other nations call to be Materialls, or Maſſe of Gold and Siluer, euen as Copper is called Allay or mixture thereunto.

Definitition of Bullion and Allay.

Concerning the Valuation of Monies, we haue already in the Second Part intreated thereof, compendiouſly and ſubſtantially: ſo that in this place we are to obſerue the denomination, which giueth a rate or price vnto Exchanges, euen as it doth vnto the ſeuerall *Species* of monie in their kinde.

Valuation of monies in Exchange.

Concerning the proportion betweene the Gold and Siluer in the ſaid Exchanges we are to obſerue, that when the proportion betweene the Gold and Siluer was 12 to one, or one pound of Siluer to an ounce of Gold (which is now 13 $\frac{1}{5}$ to one;) then the enſuing calculation in Exchange was true, namely, to account eight Carrats of fine Gold, or foure ounces of fine Siluer for twentie ſhillings ſterling, reſeruing in the ſaid rate a reaſonable gaine for the Merchants towards their gaines and charges. But now that the ſaid proportion is altered, and that thirteene ounces and $\frac{1}{5}$ part, or foure pennie weight is appointed to be giuen for one ounce; of neceſſitie it followeth that the Siluer is vndervalued, and the Gold aduanced: ſo that in matter of Exchange there ariſeth a two-fold conſideration, the one to be eſtabliſhed in *Par*, according to the Gold coines, and the other after the Siluer Coines. And this meaſure of Exchange betweene vs and forreine Nations is very tender and delicate; yet Merchants occaſions in the courſe of trafficke, do exceed the ſaid limitation vpon plentie or ſcarſitie of monie, and the many deliuerers or takers vp of the ſaid monies according thereunto, which is propor to confirme the mutabilitie of Exchanging aboue the ſaid *Par*, but neuer vnder the ſame: for it is like vnto the Needle of the Compaſſe, which hath been touched vpon the fixed North Starre.

Proportion between Gold and Siluer in Exchanges made in England.

Some Merchants are ſo farre wide from the knowledge of the value of coynes, and the Exchanges made thereupon, that they are of opinion, That there can be no certaine Rate or *Par* of Exchange ſet to anſwere juſtly the value of the coynes in forreine parts, by reaſon of the diuerſitie and diſproportion of the coynes of Gold and Siluer, and their intrinſicall and extrinſicall values. But theſe Merchants are to vnderſtand, that the monies of all Countries haue a proportionable valuation relatiue within themſelues, according to their ſeuerall ſtandards for weight and fineneſſe, onely the ſmaller and baſer coyne haue ſome little knowne aduantage, which may be conſidered of in Exchange, if there be cauſe that the quantitie of thoſe monies doe exceed the bigger and finer coine. This conſideration hath beene had heretofore; and eſpecially in the *Par* agreed vpon betweene the Low-countries and this Realme, in the yere 1575, when vpon the *Philip* Doller the Exchange was at twentie fiue ſhillings the *Par*, and the ſmall monies would exceed twentie ſeuen ſhillings, and vpwards, but the quantitie did not ſurmount the better coine. The like was vpon the *Par* agreed vpon with the States of the vnited Prouinces, *Anno* 1586, at thirtie three ſhillings foure pence; and with Hamborough and Stoade, to twentie foure ſhillings nine pence Lubiſh vpon the Rickes Doller of thirtie three ſhillings, or nine markes foure ſhillings for our pound ſterling of 20 ſhillings, making foure Dollers and one halfe to anſwere the ſaid *Par*, which

Proportionable valuation of monies for Exchanges to be made accordingly.

which Dollar is inhaunced ſince to 54 ſhillings, and we reciue now but 4 Dollars for the ſame, and ſo for other places accordingly.

CHAP. iij.

Of the denomination of Imaginarie Monies of all places, whereupon Exchanges are made by Bills.

THe denomination of Monies, which we cal Imaginarie, is becauſe there is not any peculiar or proper mony to be found in *ſpecie*, whereupon the Exchanges are grounded, as it was in times paſt in many places, where ſome Monies were the cauſe to ground the price of Exchange vpon: as our Angell Noble, being coined for ſix ſhillings eight pence ſterling, whereupon Exchanges haue beene made, as now is done vpon 20 ſhillings, and ſo might the new Pieces of our Soueraigne King *Iames* Laureat bee taken. But it is more proper to make Exchanges vpon the ſiluer coines, for the price of commodities is moſt ruled thereby in all places, which by the quantitie is 500 to one. Hence did proceed the cauſe, that when our gold in the yeare 1611 was aduanced ten in the hundred aboue the ſiluer, the price of Commodities did not riſe, albeit forreine Nations did cauſe the price of Exchange to fall. But if Siluer were inhaunced, preſently the price of commodities would follow as the rule thereof, and the price of Exchange would fall more, for Exchange will ouer-rule both.

The price of Gold not ſo effectuall as the price of ſiluer.

In like manner do we call the monies of other countries, whereupon Exchanges are made to be Imaginarie, as the Dollers in Germany, the Crownes in France, the ducats in Italy and other places, which by the great diuerſitie you may vnderſtand as followeth; together with

The Calculations of Merchants Accounts, whereupon their Bookes of Account are kept, according to their Imaginarie Monies.

IN Flanders, Brabant, and moſt places of the Low-countries, they keepe their Books of Account and Reckonings by 20 ſhillings Flemiſh, euery ſhilling 12 deniers or pence, which ſhilling is 6 ſtyvers.

Pound Flemiſh.

In Artois, Henault, and other places by pounds Tournois of 20 ſtivers, or 40 pence Flemiſh, whereof ſix called guilderne or florins make the pound Flemiſh in all the 17 Prouinces of the Netherlands.

Pound Tournois.

Some do reckon by pound Paraſis, which are but 20 pence, wherof twelue make the pound Flemiſh: but their Accounts, as alſo the reckonings of their Prince, or Finances, are kept by pounds Tournois, which pound they diuide into 20 ſhillings, euerie ſhilling into twelue pence, and the like is done by the pound Paraſis, and theſe haue alſo their ſubdiuiſions of Obulus, Maille, Heller, Hallinck, Corte, Mites, Point Engevin, Poot, and ſuch like Copper monies too tedious to rehearſe.

Pound Paraſis

In Germanie in the yeare 1520 was the gold Guilder coined for a generall Coine, and valued in Holland for 28 ſtivers, which is now *in ſpecie* at double the price; neuertheleſſe they do continue to buy and ſell all that great quantitie of Corne, which is brought from the Eaſt countries, Poland, and other places, by the ſaid gold Guilder of 28 ſtivers. Their doller was coined at 65 Creutzers, ſince riſen to 72 Creutzers; yet their exchange is made vpon the dollar of 65 Creutzers, which is imaginarie.

Gold Guilder.

Creutzers.

At Auguſta the exchange is made vpon the ſaid Dollar of 65 Creutzers, at 3 weeks or 14 dayes ſight after the bill preſented.

Florins of 60 Creutzers.

At Frankford they reckon by the Guilder of 60 Creutzers, called in Latine *Crucigeri*, being pieces with a Croſſe, they are Florins, and their exchange is made vpon the Dollar of 65 Creutzers, payable in the two yearely Faires or Marts, the one the weeke before Eaſter, and the other in the beginning of September, to continue for all the moneth.

At Noremberg the exchange is made vpon the ſaid dollar of 65 Creutzers, & many times vpon the florin of 60 creutzers, which they alſo diuide into 20 ſhillings, and euery ſhilling 12 pence to keep their accounts by.

Bohemicos.

For Bohemia, Exchanges are made vpon the Dollar of twenty and foure Bohemicos.

At Vienna they reckon by guilders or florins of 8 ß, of 30 *d* to the ſhilling, and two Heller to the penny, and exchange is made thereupon.

Diuers Guilders.

At Baviera, by guilders of 7 ß, of 30 *d* for exchanges and accounts.

In Hungary by guilders of 10 ß, of 30 *d*, and by florins of 20 ß, and 12 *d* to the ſhilling, and exchanges are made vpon their ducat.

Markes of 32 groſſes.

At Breſlo & Lipſich they reckon by marks of 32 groſſes, of 12 Heller to the groſſe, and they exchange by 30 florins Breſlo's, to haue at Vienna 34 florins, or at Norenberg 32 florins.

Ponnds of 20 ſhillings and 12 hellers, &c.

At Vlme they reckon by pounds of 20 ß, and 12 heller to the ſhilling, and their exchange is made vpon the dollar of 60 Creutzers.

At Cologne by dollars of 72 Creutzers, for accounts and exchanges.

Pound ſterling.

At Embden they reckon by guilders, and exchange vpon the rickx dollar; but from London hither and thither vpon the ℔ ſterling of 20 ß.

Markes of 16 ſhillings.

At Hamborough they account by marks of 16 ß Lubiſh, of 12 *d* to the ß. Exchanges for London vpon 20 ß ſterling, and for other places vpon the Rickx Dollar before mentioned of 33 ß, now by them inhanced to 54 ß lubiſh, or ſo many ſtiuers Flemiſh.

In Pomerania they reckon by marks of 16 ß ſnudens, and the exchange is vpon the rickx dollar of 32 ß of two ſnudens.

Eight marks a Dollar.

In Sweden they reckon by markes, whereof 8 make a Dollar, whereupon they exchange, and 2 marks make a Clipping of 9 ½ ſtiuers.

In Denmarke vpon marks of 16 ß, Exchange vpon the dollar.

Poliſh guilders of thirty groſſes.

In Danſike they keepe their account in Poliſh guilders, of 30 groſſes, euery guilder of 18 *d* a groſſe. They buy with the great Marke of 60 groſſes, or with the little marke of 15 groſſe, alſo by ſcoc of 3 great Marks; and they exchange vpon the Florin Poliſh, or vpon the pound Flemiſh, paiable at 14 daies, and alſo one moneth.

Florins Poliſh of 18 farthings

At Riga they buy by dollars or florins Poliſh of 18 farthings, wherof the 11 make ten dollars: but their exchange is made vpon the rickx dollar.

The accounts in Barbary are kept, and commodities are ſold by a ducat of of tenne ounces to the ducat, and 8 eights to the ounce, valued at 12 *d* ſterling.

Florins of 48 ſhillings.

In Poland their accounts are made by marks, and the exchanges vpon the dollar and alſo vpon the florin of 48 ß, the marke being ⅓ part of it.

In Ruſſia they haue ſmall coine of 11 ounces 15 penny weight fine, called Dengen, whereof 320 pieces weigh but a marke of 8 ounces. They exchange vpon the dollar of Germany; but for London vpon their roble, which is double ducat, accounted to be a marke ſterling, or 13 ß 4 *d*.

Roble or mark

Ducat *Di Camera.*

At Rome they keepe their accounts by ducats *Di Camera* of 13 Iulie euery Ducat, which they diuide in 20 ß, and euery ſhilling 12 pence. Their exchange is alſo made vpon the ſaid ducat *De Camera*, which for Lyons are made paiable by marks D'or, or of gold, ſo called, but are imaginary.

Ducat Imperiall.

At Millain they keepe their accounts by ducat Imperial, diuided by 20 ß and 12 *d*, and exchanges are made alſo vpon the ſaid ducat, accounting 80 ß to the ducat Imperiall. But all their buyings are made by a Ducat currant of an hundred and twentie ſhillings.

At

At Venice they account by pounds Flemiſh of ten ducats of 24 groſſe, which they diuide in 20 ſhillings and 12 pence, alſo by the ducat of 124 ſhillings, called *Ducato di Banco*, or currant, and thereupon exchanges are made. Ducat *di Banco.*

At Florence they account by Crownes of 20 ſhillings, and 12 pence to the ſhilling, or by a ducat called Largo, or *Scripto in Banco* for exchanges. Florin is twenty and foure Quatrinij. Ducat Largo, or *Scripto in banco.*

At Genoa all accounts and exchanges are made by crowns of ſixty ſhillings, diuided by 20 ſhillings and 12 pence, and here are aboue 15 Banks or Exchanges. Crownes of 60 ſhillings.

At Verona the Exchange is made vpon the Ducat of 93 ſhillings, and they make their accounts by 20 ſhillings, and 12 pence to the ſhilling. Ducat of 93 ſhillings.

At Luca Exchanges are made for diuers places in Italy; and for Lyons vpon the Ducat.

At Naples they account by ducats, taries, and graines, the Ducat 10 carlini, tarie is two carlini or two royals, and exchanges are made hereupon for the moſt places of Italy. But for Lyons they exchange by number; as 125 Ducats for one hundreth Crownes. Ducat of 10 Carlini.

In Calabria, Puglia, exchanges are made vpon the ſaid ducat of 10 carlini.

At Ancona exchange is made on the ducat of 21 groſſe, which is *in ſpecie* 23 groſſe, and is alſo 14 Carlini, of 6 Bollidini for a Carline. Ducat of 21 groſſe.

At Bologna they account by piaſtra or pound of 20 Bologneſi: the exchange is vpon the ducat of 4 Piaſtri. Piaſtra or pound.

At Palermo in Sicilia the ducat is 13 tarie, of two carlini the tarie.

The fiue royals of Spain are 6 tarie, they account by ounces of 30 tarie to 20 grains, euery tarie and euery grain of 6 Piccolie, and their exchanges are made vpon florines of 6 tarij. Ducat of 13 tarie.

At Lyons in France all their accounts by an edict made in the yeare 1577 are to be kept in French crowns of 60 Soulz or three pounds Tournois, and their exchanges are made thereupon, vnleſſe it be for ſome places in Italy, where they exchange for number, to haue ſo many ducats for ſo many crownes of the ſum, but not *in ſpecie*, which is altogether imaginarie, yet reſpecting value or *Par*. Crownes of Exchange.

At Paris, Roan, &c. their accounts and exchanges vpon the ſaid crowne.

In Spain, at Sevill, Madrill, and other places, their accounts are all kept by Malvedies, whereof 375 are eſteemed to make a ducat of exchange of eleuen Ryals, euery ryall is 34 Malvedies, and ſo maketh but 374. Others keepe their accounts by Ryals of 34 Malvedies in Ryals, as our Engliſh Merchants do, and their exchange is made vpon this imaginarie ducat of three hundred ſeuenty fiue Malvedie, to be paid in Banke with fiue vpon the thouſand, which is the ſalarie of the Banker, or without the Banke to be paid without the ſame. Ducat of 375 Malucdies.

In Caſtile their exchanges are alſo made vpon the ducat of 375 Malvedies, which they call in the Bill of Exchange *Ducados d'oro*, or *de peſo*, to be paid out of the Banke is better by ſix or eight *pro milliar*. Ducat *de Peſo* or *D'oro.*

In the kingdom of Arragon, Barcelona, Valentia, Saragoſſa, and Catalonia, the Roiall of plate is 23 Dinero's, and the ducat is 12 Ryals, whereupon they make their Exchanges: and their accounts are by 20 ſhillings and 12 pence for euery Ducat of 12 Royals, as aforeſaid. Ducat of 12 Royalls.

At Lixborn they keepe their accounts by Mill Reas, whereof 400 Reas make a ducat, *alias* Cruſado. Mill Reas is 22 Royals of ten Teſtons, euery Teſton is 100 Reas. There is alſo teſtons of 4 Vintains, the Royall is two Vintains, and the Exchange is made vpon the ducat of 400, &c. Ducat or Cruſat of 400 reas

In Turky, at Aleppo, Tripoli, and Conſtantinople, by Sultanees of 120 Aſpers, or Dollars of 80 Aſpers, euery aſper is ten Macharines. Sultanees of 120 aſpers.

At Alexandria in Egypt they account by ducats. There is a ducat *de Pargo*, making 3 ducats of Venice, alſo Italian Ducats of 35 maids, and the Venice ducat is better, and maketh 40 maids. Ducat *de Pargo.*

At Edenborough in Scotland Exchanges are made vpon the Marke peece of ſiluer, Marke Scots.

which is valued in England at 13 ½ penny, being otherwiſe 13 ⅓ penny, or 13 ſhillings foure pence Scots: So one Marke and a halfe Scots is twenty ſhillings Scots, and 20 pence ſterling is one pound Scottiſh, which is 12 to one. The 18 pieces of 20 ſhillings is by the ſaid valuation twenty ſhillings three pence: and the Taker vp of the mony at London payeth for 12 pence the ſaid marke of 13 ⅓ pence, at 2 or 3 moneths time, in Scotland, as they can agree.

Pound Scots.

Pound Iriſh.

At Dublin in Ireland the 15 ſhillings ſterling is one pound Iriſh of 20 ſhillings; whereupon exchanges are made, with allowance of ſix pence or eight pence vpon euerie pound payable at London; and for want of a Mint no Bullion is imported thither, and Exchanges are diuerted into other places.

Pound ſterlin.

At London all Exchanges are made vpon the pound ſterling of 20 ſhillings, and 12 pence to the ſhilling, for Germany, the Low-countries, and other places of traffick: and for France vpon the French Crowne: for Italy, Spaine, and other places, vpon the ducat, or for the dollar and florin in ſome places, according to the cuſtom of the place, Whereof more particularly is to be obſerued in the Courſe of Exchanges.

CHAP. IV.

Of the Times of payment of Monies by Exchange, and the Termes of Art vſed therein.

THe diſcrepance of Time for the payment of Monies by exchange, hath a regard to the diſtance of the place or places where the money is to be payd. Wherein we may conſider three kindes of Diuerſities, called by the termes of Art in matter of Exchange; At Sight, Vſance, and double Vſance, or treble.

At ſight.

The taking and deliuering money at ſight bindeth the taker vp of the monies to giue his bil of exchange, directed vpon his friend factor or ſeruant, in any place beyond the ſeas, to pay vpon ſight of it, or within three, foure, or more daies, ſo much mony as hath been taken vp by him, after ſuch a rate the pound, Dollar, Ducat, or Crowne, as it is agreed vpon betweene them in forrein coin, either according to the valuation of monies, or currant money for merchandiſe, which is more ordinarie, becauſe Merchants will admit ſometimes to receiue ſome Coynes at a higher rate than they are valued, vpon occaſion that ſome Species are required for tranſportation, or ſome other vſe to make payments: which tolleration is by authoritie many times ſuffered to draw monies vnto their places of juriſdiction. Herein is to be noted, That if the Bill be made payable at ſo many daies ſight, that the number of dayes muſt be expreſſed in the Bill or Bills; for commonly there are made three Bills of one tenor for euery ſum of mony taken vp, becauſe if one Bill be loſt, the other may ſerue in place.

Policie of Eſtates.

At Vſance.

The ſecond time of payment, called Vſance, which is either the time of one moneth, two or three moneths, after the date of the Bil of Exchange, as hereafter is declared, according to the cuſtome of the places where theſe exchanges do run: according to which time, the party vpon whom the bil of exchange is directed, is to pay the ſame, vnleſſe there be good cauſe to the contrary, as ſhall appeare hereafter.

Double vſance and treble Vſance.

The third time of payment, called double Vſance, is either two or more moneths, or alwaies double the time of the Vſance, reſpecting by Cuſtome the courſe thereof: and many times exchanges are made vpon the halfe Vſance, which is fifteene dayes.

But

But conſidering the winde and other hinderances, it is better to limit the dayes after ſight in the Bill of Exchange, and to ſend the ſame by ſea and land with a letter of aduice, which the Taker of money commonly doth deliuer with the Bill of Exchange; whereunto the Bill maketh alſo relation, and treble Vſance is accordingly.

There is another time for the payment of exchanges, where great paiments are made, as in Faires or Marts, as at Madrill and Medina del Campo, by three Feria's in the yeare; at Lyons by foure paiments yearely, and at Frankford twice euerie yeare, &c. Paiments in Fairs or marts.

The difference of the times of payment do alter the price of Exchanges according to the time, commonly after twelue, fifteene, or twenty in the hundred by the yere. So between the pound ſterling exchanged for the Low Countries at ſight and vſance, is betweene foure and fiue pence, and double Vſance and Vſance, ſix or 7 pence, which ordinarily was accounted to be but foure pence, after 10 *pro* 100. But for the Faires and Marts it is very vncertain, becauſe the paiments are all at one time, and the neerer the Faires are at hand, the more ſhall the taker vp of the monie ſaue by paying leſſe intereſt, becauſe he hath not had the vſe of the monie from the beginning that Exchanges were made for the Faires, which in queſtionable matters is very conſiderable. Conſideration in Exchanges.

Vſance from London to and from Middleborough, Amſterdam, Antuerpe, Bruges, and other places in the Low-countries, is one moneths time from the date of the Bill of Exchange, and double vſance is two moneths.

Vſance from Hamborough is two moneths, and from Venice 3 moneths.

Vſance from Antuerp to Rome is two months, and from Lyons to Rome a month.

Vſance from Antuerp to Venice is two months, to be payd in Banke.

Vſance at Florence is two months, and from Florence to London three moneths.

Vſance from Genoa to Rome and Naples is ten daies ſight, and for Palermo and Antuerp is two moneths by ordinarie obſeruation, and ſo is Luca.

From Naples to Antuerpe is two moneths, and the like for Palermo.

Vſance for Roan and Paris is one moneth, but commonly at 3 weeks ſight.

From Antuerp and London to Seuill is two moneths.

Caſtile paiments are in three Bankes, and Ferias de Villalon, Medina del Campo, and Medina del Rio Sicco; but many times prolonged by the King of Spaine.

Vſance from Lixborn to London and Antuerp is two moneths; which Merchants are to know, becauſe the Bills of exchanges do not declare the ſame.

CHAP. V.

Of the nature of Bills of Exchanges.

THe nature of a Bil of Exchange is ſo noble and excelling all other dealings betweene Merchants, that the proceedings therein are extraordinary and ſingular, and not ſubiect to any preſcription by Law or otherwiſe; but meerely ſubſiſting of a reuerend cuſtome, vſed and ſolemniſed concerning the ſame. For the better declaration wherof let vs ſet downe the forme of a Bill of Exchange from London to Amſterdam, and from Amſterdam to London againe, *viz.*

Laus Deo. Adi 24 Auguſt 1622 in London——500 ℔, 34 ſ 6 *d.*

AT Vſance pay by this my firſt Bill of Exchange to A. B. *the ſumme of five hundreth pounds ſterling, at thirty foure ſhillings and ſix pence Flemiſh, for euery pound ſterling*

Currant

Currant money in Merchandiſe, for the value hereof receiued by me of C.D. *and put it to account as* per *aduice,* A Dio, &c.

G.M.

On the backeſide is indorſed, *To my louing friend Maſter* W.C. *Merchant at Amſterdam,* P^a.

This is the forme of a Bill of Exchange for monies deliuered and taken vp at London for Amſterdam. The ſecond Bill doth differ in the addition of theſe words only, At Venice not hauing payd by my firſt Bill, pay by this my ſecond Bill, and ſo in the third Bill: for there are commonly three Bills made, as aforeſaid.

Laus Deo: Adj 20 of September 1622 in Amſterdam—100 ℔ at 33 ß 6 *d.*

AT Vſance pay this my firſt Bill of Exchange vnto W.M. *the ſumme of one hundreth pounds lawfull money of England, for the value here by me receiued of* D.H. *Make him good payment, and put it to your Account. God keepe you.*

Subſcribed, W.C.

On the backſide is indorſed, *To my louing friend Maſter* G.M. *Merchant at* London P^a.

1 This is the forme of a Bill of Exchange for monies taken vp at Amſterdam to be payd in London, wherein the time of payment may be made at ſight, or ſo many dayes after ſight, or at double vſance, according to the agreement: or the Bill may bee directed to my ſeruant, or to himſelf or any other: or it may ſay, Put it to the account of ſuch a man. But the beſt is to referre it to the Letter of Aduice, and where the firſt Bill is noted P^a. the ſecond muſt be 2^a. and the third 3^a.

You may not ſay in the Bil, It may pleaſe you to pay, or I pray you to pay, although it were to your Maſter; for the Bil of his high nature doth carry with it a command, without reſpect of perſons, and moſt men will not vſe the words, *Make him good payment*; but the fewer words, the more formall: neither is there any witneſſe vnto it, nor any ſeale, but a ſmall piece of paper of ſome two fingers broad: and the Letter of aduice doth declare for whoſe account, or to what intent or purpoſe the ſaid money is taken vp: which Letter of Aduice doth accompanie the Bill of Exchange with the like inſcription, with the words *De aduiſo*.

Alſo for monies here deliuered, where the ground of Exchange is of the 20 ſhillings whereupon the Exchange is made, you may not expreſſe what the ſterling mony maketh in Flemiſh mony; not ſo much for that by miſcaſting you might make your ſelfe liable, as for that it is not mannerly to caſt vp another mans account: neither may you make a Bill of Exchange payable to the bearer or bringer thereof (as you make your Bills Obligatorie beyond the ſeas) to auoid the inconuenience which might happen in derogation of the nobleneſſe of the ſaid Bill of Exchange, which euery Merchant is to maintaine. All other Bils of Exchanges for Germany, Spaine, Italy, France, the Low-countries, Portugall, or any other places betweeen them, to and from place to place, do not differ in the forme, but in the manner of the monies to be payd in Banke, or out of the Banke, or in ſuch a Faire or Mart, at ſuch times and in ſuch monies according to the countries.

Although now vſed, or abuſed.

2 The Bankers and diuers Italians haue a cuſtome, that for the monies taken by them, or for their companie, or any other, one of their ſeruants doth make the Bils of Exchange, and he ſubſcribeth the name of him, or of the Company for whom it was taken vp, and the Maſter he doth write vnder the ſaid Bill, *Pagate come ſi dice*, that is to ſay, Pay as it is ſaid; and this goes as currant among Merchants, as any other bil made by the parties owne hand, and all proceedings thereupon are done accordingly.

Rare cuſtomes in Bils of Exchanges.

3 They

3 They haue alſo an ordinarie cuſtome to transfer and put ouer their Bils of Exchanges before they are made, vnto any other perſon; as for example,

One in Antuerp doth deliuer by Exchange 500 ℔ ſterling, to be paid here in London vnto another Merchant there, who is to make him a Bil of Exchange for the ſame. Afterwards within two or three daies this deliuerer of mony hath occaſion to take vp 500 ℔ for London, and hauing taken the ſame of another Merchant, he is to make him alſo a Bill of exchange for this mony, as the other Merchant was to make him for the 500 pounds which he did deliuer him by exchange for London as aforeſaid. Hereupon he knowing the name of the party in London, to whom the other mans mony was to be made payable, cauſed the Bill of Exchange to be made payable to the ſaid partie, as he ſhould haue done with his owne proper Bill of Exchange, and whereas the value ſhould be mentioned to be receiued of the ſecond man that did deliuer him the mony, he cauſeth both of them to be named in the Bill, and ſometimes three or foure are named in the ſaid Bil, if it be ſo often rechanged, by ſaying, For the value receiued of ſuch a man, for ſuch a man and ſuch a man, vpon the account of ſuch a man. This is good at all aſſayes, for the reuerence which is borne to Bills of Exchanges, and by theſe meanes there is charges and factoridge ſaued betweene the parties, beſides the commodiouſneſſe, that one man doth write and ſend his Bil of Exchange for al thoſe that did change and rechange there the ſaid money; which is not done all with one ſum, and with one Bill of exchange, but the ſum may be made vp by many Bils of Exchange, payable all to that man, although it be by diuers perſons. Such and the like courſes are daily vſed and practiſed beyond the ſeas, without interruption in matter of exchange, which may ſeem to be intricate.

This courſe of dealing is altogether ſtrange to the Common lawes of England, and cannot be determined thereby; for whereas (by the aduice of merchants) ſome matters vpon Bils of exchanges haue bin tried vpon an action of Aſſumpſit, here is neither conſideration nor Aſſumpſit to be proued, vnleſſe the Bill had been accepted, wherein are many obſeruations.

To make this more apparant therefore let vs illuſtrate it by example. *Peter* deliuereth fiue hundred pounds to *Iohn*, who is to giue the Bill of Exchange for it; *Peter* taketh vp fiue hundred pounds of *William*, and may giue him the ſaid Bill of *Iohn* for it; *William* taketh vp fiue hundred pounds of *Nicolas*, and may deliuer *Iohn* and *Peters* Bill for it; *Nicolas* taketh vp fiue hundred pounds of *Francis*, and doth giue him the bil of *Iohn*, making mention of *Peter* and *William*. Here are foure takers vp of mony, and but effectually one deliuerer of money, which is *Francis*: For albeit that *Peter* was the firſt deliuerer of the fiue hundred pounds, he became a taker againe of the ſaid money, receiuing the ſame of *William*; ſo that *gradatim*, *Iohn* is the firſt taker vp of the ſaid fiue hundred pounds, *Peter* is the ſecond taker vp, *William* is the third taker vp, and *Nicolas* is the fourth taker vp of the ſaid fiue hundred pounds of *Francis*. To this *Francis* is the Bill of Exchange giuen, payable to his Friend, Factor, or Seruant, in the place for which the money was taken vp. But the ſaid Bill is made by *Iohn*, the firſt taker vp of the ſaid money, declaring, That the value of it was receiued of *Peter*, for *William* and for *Nicolas*, vpon the account of *Francis*, which is the laſt deliuerer of the mony; which Bill being paid, all the parties in this exchange are ſatisfied and paid: Which is done with great facilitie.

4 There is alſo a cuſtom, that monies are taken by exchange for a certaine place, by men who are not generally known, and therefore muſt vſe another mans credit, as a third perſon in the exchange: if this man do ſubſcribe his name to the third or ſecond bill of exchange, it is ſufficient, and will be duly performed accordingly.

5 It is alſo ordinary, that a Maſter to draw mony from his ſeruant into his owne hands, or a Merchant in the like caſe from his Factor, will make a Bill of Exchange payable to ſome other perſon, and ſay in the Bill of exchange, For the value receiued of ſuch a one, naming a friend of his, as he taketh the ſaid perſon to be; if the ſeruant or Factor do accept this Bill, he will be made to pay it; and if this perſon whoſe name hath bin vſed will deale vniuſtly, the maſter or merchant ſhall be remedileſſe, vnleſſe

he

he haue ſome collaterall Writing for the ſame, becauſe the Bill of Exchange muſt be maintained.

6 Againe, if a knowne ſeruant doe take vp monies beyond the ſeas vpon his Maſter, and giue his Bill of Exchange for it vpon the ſaid Maſter, the Maſter is liable to pay the ſame, although he did not accept the Bill of Exchange; for it is vnderſtood, that by his credit (and not by the ſeruants credit) the mony hath bin taken vp, ſo that vntill he make a publique declaration, denouncing his ſeruant to the Brokers of Exchanges and otherwiſe, the Maſter is to pay all by the cuſtom of Merchants to be kept inviolable.

7 There is alſo a cuſtome, that a maſter to his ſeruant, or one friend vnto another, will ſend bills of Exchanges with the names in blanke, from one country into another, as from Hamborough to Embden, or from Antuerp to Amſterdam, and from thence to Danſick; and at Amſterdam the names are put in to whom to be paid, & of whom receiued: and this dependeth vpon the credit of him that made the bill of Exchange, and this is alſo accompliſhed very orderly.

8 Again, a Merchant may take by exchange, in another mans name, or in his own name and another mans name together, mony to be paid in any place where exchange is vſed, and ſubſcribe his name and that mans name, or that mans name alone: and this man whoſe name is vſed is liable and anſwerable to the ſaid exchange, if it be prooued that it was done, or the like vſed to be don by that other party, with his conſent or priuitie, for to auoid inconueniences in the courſe of Exchanges.

9 Nay, this goeth yet farther to be conſidered of in equitie, and ſo adiudged, that if a man do take vp money for any place by exchange, *poſito* from London to Middleborough, and there the mony is paid, and taken vp again by exchange for Antuerp, and there it is alſo paid by mony taken vp for Amſterdam, and at Amſterdam it is payed, for the ſaid mony was taken vp there againe for Middlebourg, and at Middleborough it was again returned and taken vp for London in one or more ſums running in acount between all theſe parties dealing therein; but here at London it is not paid, but goes backe again to Middlebourg by Proteſt, and there the taker vp of it becommeth inſolvent. Now if it be prooued that thoſe monies were originally taken vp at London by the credit of that firſt taker, which hath bin a principal cauſe of the continuance of it by exchange, this man of London is to be charged with it, as wel as the taker vp of the monies beyond the ſeas. Thus may we ſee how tender and noble a Bill of exchange is of nature, which by the proceeding thereupon will be made more apparant.

Chap. vj.

Of the non-acceptation of Bills of Exchanges, and Cuſtomes obſerued concerning the ſame.

THis high nature of a Bill of Exchange requireth ſuch preciſeneſſe of proceedings to ſee the performance thereof, that euery man ought to be very vigilant to ſee to obſerue the ſame: and therefore as ſoon as a Merchant receiueth a Bill of exchange, whether it be paiable at ſight, vſance, or double vſance, he is to preſent the ſaid Bill of Exchange to the party vpon whom it is directed, to know whether hee will accept the ſame: which if he doe, or promiſe (by writing vnder it the word Accepted, or with addition of his name, Accepted by me *A.B.*) then the party is to pay it the time contained in the Bill: but if the ſaid party be not reſolued to accept the ſame, then after 24 houres paſt, it is conuenient to preſent him the ſaid Bill, with a Notarie to make intimation

First Obſeruation.

intimation of it vnto him,and to know whether he wil accept the ſame,as you did before: if he deny to accept it,then the Notarie doth proteſt againſt him in words,that the merchant doth intend to recouer all damages,which he or the deliuerer of the money beyond the ſeas, or himſelfe for others might or ſhall ſuſtaine thereby,whereunto the party needeth not to make any reply: but if he doe, and withall deſire the Notary to declare the ſame in the Notariall Act or Proteſt which he maketh for the Non-acceptation; then the Notarie is to put it downe in writing accordingly, and to deliuer the ſame to the Merchant to be ſent beyond the ſeas with all expedition, becauſe the deliuerer of the mony there may take notice of it, and ſecure himſelfe of the party, if there be cauſe: and in the ſending of this Proteſt of Intimation, the opportunitie of the firſt Poſt is to be obſerued to ſend the ſame by.

Second obſeruation.

If the Merchant to whom the Bill is payable were abſent, or ſicke,or departed this life,neuertheleſſe any friend or ſeruant of his may cauſe this Proteſt to be made by the Notarie,who doth declare the name of him at whoſe requeſt he doth preſent the ſayd Bill of Exchange.

Third obſeruation.

If the party to whom the Bil of exchange is directed,be abſent,or wil not be found, the Notary may proceed neuertheleſſe,and goe to his lodging or dwelling houſe,and leaue afterwards the copy of the Proteſt with ſome of the houſe, or throw the ſame within dores,and keep a note of it againſt the next time. But theſe Proteſts muſt bee made at conuenient hours, neither too early in the morning,or too late in the euening, neither vpon Sabbath daies or holy-daies,but as it were *ſedente Curia*,when any courts of Iuſtice are open.

Fourth obſeruation.

Before the time of the paiment of the ſaid Bill, the party may notwithſtanding accept the ſaid Bill,and pay it at the time; or another man may accept the Bill for the honour of it, if you take that other man to be ſufficient: wherein the danger is nothing; for all others remaine ſtill anſwerable, and you haue one man more bound by the ſaid his acceptation: Which he doth in theſe words, *Accepted by mee* A. B. *for the honour of the Bill.*

Fiſt obſeruation.

If this man at the time doth pay the ſaid Bill of exchange, becauſe the party vpon whom it was directed doth not; yet he is to make firſt, before he doth pay the ſame, a Proteſt, with a declaration that he hath paid the ſame for the honor of the Bill of exchange, whereby to receiue the money againe of him that had made the bill of Exchange.

Sixt obſeruation.

If a Bill of Exchange be accepted,and neuertheleſſe not paid, or that it bee not accepted,as aforeſaid,and remaineth vnpayd; then muſt you cauſe the Notarie to make a ſecond Proteſt for the non-paiment of it,and therein declare that you intend to recouer all damages,charges,and intereſts againſt the maker of the Bill,or any other intereſt in the ſaid exchange and rechange,which muſt be declared in the ſaid Proteſt by a ſworne Broker of Exchanges, who giueth notice of the price of exchange to the Notarie; and if there be cauſe,or hope of paiment,you may keep this Proteſt two or three dayes in your hands without danger, or elſe ſend it away to be recouered beyond the ſeas,of him that made the Bill of exchange,and tooke vp the mony there.

Seuenth obſeruation.

But if this Bill were accepted here, then is it lawfull to demand payment of it by Law or otherwiſe, both here and beyond the ſeas,at your pleaſure, vntill the Bil be ſatisfied: neither may the party that made the Bill leaue it vnpayd (without diſcredit) vntill he that hath accepted the ſame do pay it,or be compelled thereunto by Law; for there muſt be plain and honeſt dealing in it both wayes: and if the party that did accept the Bill do afterwards breake before the time of payment, the giuer of the Bill, or any other whoſe credit hath bin vſed therein,are ſtill anſwerable for all.

Eighth obſeruation.

There muſt be great regard had of the letter of aduice, and of the Bil of Exchange, and for what account the ſame is to be paid, before you accept the ſame: for if a Bill ſhal ſay,Put it to the account of ſuch a man,and the letter of aduice by ſome occaſion ſhall alter the ſame; you canot ſafely pay this Bill of exchange, but muſt declare the ſame by way of Proteſts,otherwiſe the Bil of exchange may be conſtrued againſt you, if there be differences in account, whereupon the matter may come in queſtion.

Ninth obſeruation. Againe, if a man do accept a Bill of Exchange within himſelfe, as being made paiable to himſelfe, and he doth it vpon another, than either the Bill of Exchange or Letter of aduice doth ſignifie, he muſt alſo make a Proteſt declaring the ſame, or he ſhall pay it in his owne wrong by the cuſtome of Merchants.

Tenth obſeruation. If a man do pay a Bill of Exchange before it be due, vnto one that breaketh afterwards, he ſhall be compelled to pay the ſame againe vnto the deliuerer of the money, in whoſe power it is to diuert the paiment, or to cauſe the Bill to be altered and made payable to another during all the time of payment.

Eleuenth obſeruation. If a Bill of Exchange be intercepted by any meanes, and taken from the Poſt that ſhould haue brought the ſame, and the party to whom the Bill is payable, hauing aduice of it by other letters, doth come to him vpon whom the ſaid Bil was directed, and deſireth his promiſe of acceptation, without that the bil is ſhewed him, and afterward doth pay him the ſame accordingly, without taking any Bill of Exchange for it; this paiment is not good nor lawfull by the cuſtome of Merchants, and the deliuerer of the mony beyond the ſeas will recouer it of you againe.

Twelfth obſeruation. If Proteſt of non-paiment be made of a Bill of Exchange, which hath bin ſet ouer or transferred to many perſons, as in the Caſe before declared, where *Francis* was the laſt deliuerer: then all the parties intereſſed in that exchange are anſwerable for it, inſomuch that *Peter* who was the firſt deliuerer of the money, and afterwards became a taker, doth beare aduenture of all entill the Bill be paid, and ſo do all the other takers named in the Bill. As for example, *Francis* the party who tooke this Bill, as being deliuerer of it at laſt, muſt go a retrograde courſe herein, if *Iohn* who made the Bill, and was the firſt taker vp, do not pay the ſame: *Francis* then ſeeketh *Nicolas*, *Nicolas* ſeeketh *William*, *William* ſeeketh *Peter*, and *Peter* ſeeketh *Iohn*, the firſt taker vp of the money of him. Suppoſe that *Iohn* is broken, then he goeth to *Peter*; if *Peter* broken, then to *William*; if *William* broken, then to *Nicolas*; if *Nicolas* broken, then all is loſt. So that all of them are anſwerable to this Bill as abouesaid.

Theſe twelue obſeruations are to be kept and maintained by the Cuſtome of Merchants concerning Bills of Exchanges, as carefully and ſeriouſly as the Romans did their law of twelue Tables, ſo much celebrated by them.

A caſe about Bills of Exchanges which were accepted. There hapned of late a caſe worthy the conſideration for matter of Exchange. A Merchant of Antuerpe being indebted vnto another Merchant there, did deliuer ſeuerall Bills of exchanges for the ſum of 800 ℔ vpon a Merchant in London, who did accept all the ſaid bills of Exchanges, which were paiable at Vſance and double Vſance: after this, the Merchant that gaue the ſaid bills in Antuerp to the other Merchant, did breake: hereupon the Merchant at London (repenting himſelfe to haue accepted the ſaid Bills) maketh intimation by a Notary to the parties to whom the bils were payable, that he did not intend to pay the ſaid Bills, becauſe the party broken in Antuerpe had not receiued the value of the money of the other Merchant there, although the Bills of exchanges did acknowledge the receit, for the bils were giuen vpon accounts between them, which were to be made vp, and hee was not to cleare their accounts, and the party broken did owe vnto him far greater ſums. The parties at London anſwered the Notarie, That they looked to be paid according to the acceptation of the Bills of exchanges, and for other matters they had nothing to doe therewith. *Interim*, the party at London who had accepted the bills died, and ſo all the Bills returned proteſted, and the matter reſted vndetermined. But the opinion of other Merchants and my owne is, That the acceptor of the Bills was to pay them, and his heires and Executours are liable thereto, vnleſſe there were found an apparant combination and practiſe in it between the two Merchants of Antuerp, as was by many ſuſpected. Thus much concerning the obſeruation of Exchanges.

CHAP.

CHAP. VIJ.

Of Notaries, Intimations, and Proteſts.

THe Intimation of Notaries wel and orderly made, may be called to be true Probation of the Originals in the Courts of Law and Equitie, whereby the better foundation may bee laid in all litigious cauſes, which take their feeling beginning of a wrong done, whereof Intimations are a manifeſtation, and Proteſts (as being more ſenſible) are a means of the redreſſe thereof; both theſe haue a tripartite reference in the courſe of traffique to Commodities, Monie, and Exchange of monie by Bills of Exchanges, according to which wee are to make our deelaration, obſeruing firſt and foremoſt, That the time to make the ſaid Intimations and Proteſts muſt be obſerued, both for daies and houres, as hath bin noted; for the houres conuenient are when the actions of men are publiquely done in the day time, neither too early nor too late, but as it were at ſuch times as matters are ordinarily heard in judiciall Courts, wherein the Sabbath dayes and Holy-daies are to bee excepted, which they are likewiſe to obſerue.

The time of Intimations and Proteſts.

For Commodities bought or ſold, to be deliuered at or before ſuch a day, it is not ſufficient to make intimation and to tender the Commodities before the day; but it muſt alſo be done vpon the laſt day, and to take witneſſe of it: and if the Commodities be not of the goodneſſe that they ought to be by the Contract or Bargaine made, and neuertheles for ſome cauſes you doe not hold conuenient to refuſe them, let there be made a Notariall Inſtrument or Act concerning the defectiueneſſe of the commodities, with a proteſtation of your intention to recouer all your damages and loſſes ſuſtained or like to be ſuſtained thereby, which will be very auailable vnto you vpon all occaſions. This is much obſerued beyond the ſeas, eſpecially vpon the ladings of ſhips which are to take in the ſame, or elſe may incurre a further danger vnto the charter-partie of fraightment. And whereas the Maſter of the ſhip will make a Proteſt againſt you, if his lading be not ready at the day appointed or agreed vpon, ſo is it reaſonable that you make the like Proteſt againſt the party that ſould you the Commoditie to be deliuered at ſuch a day: and if it fall out that you haue committed the like fault, and thereupon a Proteſt is made againſt you, and the Notarie will craue your anſwer, to be recorded, that thereupon at conuenient time ſome aduantage may be taken againſt you (the not anſwering being taken to be diſcourteous or brutiſh) the ordinarie anſwer is, *Video & taceo*, or I do heare and ſee; which words the Notarie doth inſert in his Act, Intimation, or Proteſt.

Commodities to be deliuered by a day.

If Intimations, Proteſts, or Witneſſes be made concerning the receit and paiments of monies vpon Bonds or other Euidences limited to a day, you are then to obſerue the laſt houre of the day, and to tender, or to attend for monies to be paid or to be receiued, vntill Sunne ſet, at the place where the ſame is to be paied, and commonly ſtay there one houre after Sunne-ſet, with Witneſſes; and if the houſe, lodging, or place be ſhut vp, make your tender or demand vpon the dore threſhold, but the mony muſt be told euen, and then put vp again into the bags, and take notice and witneſſes of it vnder their hand-writing, of the day and houre when the money was tendred; or on the other ſide when it was demanded. But this laſt is in caſe when mony is made paiable on reaſonable demand: for albeit monies ſimply acknowledged to be owing by bill or Bond, without limiting time of paiment, are taken to be due *ipſo facto*, that is, as ſoone as you did

Mony paiable by Bonds or ſpecialties.

Mony paiable vpon reaſonable demand.

did vnderwrite the ſaid Bill or Bond: yet Ciuilitie requireth a kinde of Intimation and demand, which is the reaſon that by the Civile Law although a Bill haue a time limited for the paiment, yet if the ſame be 30 yeares old, and hath bin neuer demanded, it is void of courſe, and cannot be recouered by that law. And Bills made vpon reaſonable demand, if they be not demanded in ſeuen yeares, which is accounted the life of a man, it is void alſo; for there muſt be a determinate courſe in all things, or a continuance by way of reviver: therefore lands holden in quiet poſſeſſion for the ſpace of ſixtie yeres, is a perpetuall inheritance by the ſaid Law.

Monies taken which were paiable vpon a Forfeiture.

If monies paiable vpon the forfeiture of a Bond haue bin taken, or robbed vpon the highway, or otherwiſe, whereby the Bond could not be payd vpon the day, yet is it neceſſarie to make intimation of it at the place where the ſame was to be paid, to auoid all ſuch aduantages as may be taken thereupon, vpon the redemption of Lands or leaſes, Iewels, or any other Commodities, wherein the Courts of Equitie will relieue a man hereupon the ſooner; for it is a demonſtration of a good will and intention preuented by ſuch a miſchieuous accident;

Et ſi deſint vires, tamen eſt laudanda voluntas.

For non-acceptation of a Bill of Exchange.

Concerning Intimations and Proteſts to be made vpon Bils of Exchanges, for the non-acceptation of paiment; it is to be noted, that the firſt Proteſt which is in the nature of Intimation, requireth more celeritie than the other: and albeit that by cuſtom the party who is to accept the ſame hath 24 houres reſpit to deliberat before he giues his anſwer, neuertheleſſe it is not good to loſe any time in the making of the Proteſt of acceptation. For if there be no pregnant cauſe, the Proteſt may be left in the hands of the Notarie for a while, but your diligence cannot be diſcommended.

For non-payment of a Bill of Exchange.

This Proteſt being made, and afterwards the Bill of Exchange becommeth due, the Notarie is the fitteſt man to demand the paiment, or to proteſt, vnleſſe the partie vpon whom the ſame is directed do giue notice that he will pay the ſame, which done, there is an end.

If a Bill of Exchange by contrary winde or other occaſions be ſo long vpon the way that the Vſance or the time limited by the Bill be expired, and being preſented to the partie for the paiment, he will not pay the ſame, then the Notarie doth make the Proteſt both for the non-acceptation and for the non-payment, reciting the Bill of Exchange *verbatim*. And moreouer he calleth vnto him ſome ſworne Broker of exchange, to know how the price of Exchange runneth at Vſance for the place where the monie was taken vp, and he maketh of it a declaration in the Proteſt, according vnto which it muſt be anſwered beyond the ſeas, with Change, Rechange, Brokeridge, and all Charges, which muſt be paid according vnto Vſance from London to the place aforeſayd. As for example, Suppoſe the ſum were 100 ℔ ſterling, taken vp at Amſterdam for London, payable at vſance, which is one moneths time, at 33 ß and eight Flemiſh monie for one pound ſterling; for which was receiued at Amſterdam in that mony 168 ℔ 6 ß 8 *d*. The Bill not being paid here, and the price of exchange being certified by the Broker and the Notaries proteſt, to be at 34 ſhillings ſixe pence from London to Amſterdam: hereupon the account is caſt vp at Amſterdam accordingly, which commeth to 172 ℔ 10 ß. Adde herunto Brokeridge, and port of Letters here and at Amſterdam, & ſomtimes Factoridge, which is together one in the hundred, which amounteth to 34 ß; ſo he receiueth at Amſterdam 174 ℔ 4 ß for the paiment of this proteſted Bill, which is 5 ℔ 17 ß 4 *d* more than he had diſburſed, which he payeth for the vſe of the mony for two months, and ſo for other Bills, &c.

The maner of paiment of a Proteſted Bill.

CHAP.

Chap. viij.

Of Reciprocall and double Exchanges.

THe like Cuſtomes are obſerued in all reciprocal and double exchanges made betweene Merchants of ſeuerall places, without diſburſing of any money on either ſide where the ſaid Exchanges are made, but being meerly depending vpon the paiments to be made in forrein parts. Reciprocall Exchange.

Theſe Exchanges are either poſitiue betweene the parties, or accidentall. The poſitiue Exchanges haue a certaine price agreed vpon between both parties, Reciprocally exchanging one with another. As for example, *A.B.* of London hath a continuall trade of Hampſhire Kerſies for Venice by the way of Germany, and maketh his returne altogether by exchange: *C.D.* of London alſo on the other ſide hath a continuall trade for Redding and Kentiſh colour Clothes for Antuerpe, where hauing made monie of his Clothes, he cauſeth the ſame to be made ouer by exchange for Venice, to be imployed there in Organſine ſilke or other Commodities to be ſent for London. Theſe two Merchants conſidering each others trade and the aduenture of deliuering their monies by exchange to others beyond the ſeas, wherein they muſt truſt their Factors or ſeruants, or they muſt take vp the monies by exchange themſelues, with ſome diſaduantage, do make an agreement and Contract of exchange betweene them, That *A.B.* ſhall cauſe from time to time for and during the terme of one yeare, all the monies which hee ſhall haue at Venice to be deliuered to the Factor of *C.D.* at Venice: and the ſaid *C.D.* ſhall cauſe in like manner all the monies which he hath at Antuerpe, to be deliuered to the Factor of *A.B.* at Antuerp, who maketh ouer this mony vnto him by exchange, either directly for London, or for ſome other place, as Amſterdam, or Hamborough, and ſo from thence for London, according as he obſerueth the courſe of exchange to be moſt beneficiall for himſelfe, or as the Factor (if he be juditious) ſhall obſerue the ſame for him. By this agreement or contract the ſaid two merchants do agree and conclude betweene them a ſet or poſitiue price of exchange as well for Venice as for Antuerpe, whereby the Ducat of Venice ſhall be rated at ſo many pence Flemiſh, for the monie which is receiued at Antuerp; or the pound Flemiſh may be valued in ſterling monie after a rate, and the ducat of Venice likewiſe. And hereupon they doe cleare their Accounts betweene them once a yeare accordingly, which ſometimes is done with allowance of intereſt for the diſcrepance of time, if it be without Bils of exchanges, and done only by Letters of aduice, or Acquittances of receipts to reckon by, which is more vſuall in theſe poſitiue Exchanges, where the price is agreed vpon in certaintie for ſuch a time. Poſitiue price of exchange. Obſeruation of the courſe of Exchange for the moſt profit.

The Accidentall reciprocall Exchanges on the contrarie are vncertaine in their price, and alter from time to time as the courſe of Exchange runneth. As for example, *A.B.* calleth vnto him a Broker of Exchanges, and telleth him that he hath occaſion to take vp a thouſand ducats for Venice, and that he is to make ouer the ſaid monie for Antuerpe, and will know the price for both places. The Broker anſwereth that he will effect the ſame, and that the price of Venice is fifty and ſix pence for the Ducat, and for Antuerpe 33 ſhillings Flemiſh for the pound ſterling: and preſently after he commeth to *A.B.* the Merchant again, and telleth him, that *C.D.* the Merchant is contented to deliuer him the thouſand Ducats for Venice, and to take vp the ſame for him againe for Antuerpe either at the ſame prices or thereabouts. Theſe 1000 ducats at 56 pence do amount to 233 *li.* 6 ſhillings 8 pence ſterling, for which *C.D.* giueth Accidentall Exchanges in price.

Bills

Bills of Exchanges for Antuerp to be paid there at vſance, which is one moneths time from the date of the Bils, after the rate of 33 ſhillings Flemiſh for 20 ſhillings or one pound ſterling: and *A.B.* giueth his Bills of Exchanges reciprocally to *C.D.* for the thouſand ducats to be paid at Venice at vſance, which is three moneths after the date of the ſaid Bills: and here is no monie payd on either ſide at London, and yet the bils of Exchanges ſay the vſuall words (for the value receiued of each other) according to their agreement, and both parties ſend their bills of Exchanges for the aforeſaid places. Not long after it falleth out, that the Bill of Exchange that *C.D.* gaue for Antuerpe commeth backe againe by Proteſt, for the non-acceptation, and not long after, another Proteſt for the non-paiment of the ſaid Bill. Hereupon *A.B.* commeth or ſendeth to *C.D.* for to haue ſatisfaction for this Bill of Exchange deliuered him for Antuerpe, and *C.D.* giueth him full ſatisfaction of it, with the rechange and charges, according to the ſaid cuſtomes, if he be a ſubſtantiall man of credit and reputation: for although the ſaid *C.D.* was the firſt deliuerer of the mony vnto *A.B.* by the thouſand Ducats for Venice, and might alledge that he receiued no monie of him, but a Bill of Exchange for Venice, whereof hee had no aduice whether it were accepted or not; yet ſuch is the preciſe and commendable cuſtome vſed in Exchanges, that hee may not ſtand vpon any allegations or euaſions which might interrupt the ſaid courſe, without manifeſt diſcredit vnto him, vnleſſe there were cauſe of doubt that the Bils of Exchanges of *A.B.* ſhould not be accompliſhed at Venice; neither may *A.B.* (without diſcredit) countermand the paiment of the thouſand ducats at Venice, vnles there were iuſt cauſe to call the credit of *C.D.* in queſtion. For the maner of theſe Exchanges are vſuall in all the places of great Exchanges, as at Lyons, Bizanſon, Madrill, and Venice, where the moſt ſtanding Banks are, and where they do get monie ingeniouſly by the calculation vpon rheir paiments at the faires or Markets, by intermiſſiue times either twice or thrice within the yeare: in regard whereof, and to auoid this obſeruation in that ſtrictneſſe, they haue vſed to ſay in their Bils of Exchange, *Per la Valuta Cambiata*, for the value exchanged with ſuch a one, and not for the value receiued, as aforeſaid, becauſe they make their paiments as it were all at one time, which is otherwiſe in thoſe places where no banks are kept, or may be alſo in ſome of theſe places, if the mony be paiable without the Banke, as we haue noted before.

The value of mony exchanged.

Many Merchants trafficking only in Exchanges become good obſeruers, and as ingenious as the Bankers themſelues; according to the Adage, *Fabricando fabri fimus*, whereby they know the variation of their Compaſſe, and the points to direct their courſe by, obſeruing the accidentall cauſes of great paiments of monies to bee made in ſome places, and of imploiment to be made vpon Commodities in ſome other plalaces, or the ſcarcitie of mony for ſome places, and the plenty for other places, or the generalitie of both, calling it as the Spaniards ſay, *La placa eſta larga lo eſtrecha*, The exchange or place is ſtreight or plenteous; ſo that thoſe Merchants (running with the ſtreame) can make their exchanges beneficiall to themſelues, and that without ſtocke or Capital of their owne, but meerely by taking vp mony for one place, and deliuering the ſame for another place, at an vnder-value in the price of exchange; ſending many times the monies in *ſpecie*, which haue bin taken vp by exchange, when the ſame doth yeeld more than the price at which they tooke vp the ſame; as in our precedent Treatiſe hath bin declared more amply.

Reſcounter in Exchange is voluntarie.

This orderly courſe of paiment or ſatisfaction to be made for Bills of Exchanges, doth admit no reſcounter or ſtoppage but voluntary, that is to ſay, If I owe you 100 ℔ by a Bill of Exchange by me accepted, and within three or foure dayes you ſhall owe me the like 100 ℔ for another Bil of Exchange by you accepted; I cannot reſcounter theſe paiments to anſwer each other, vnleſſe you condeſcend thereunto, although the mony were due to be payd, but euery Bill of Exchange is to be anſwered or paid in his proper nature. For let vs ſuppoſe that ſome countermand be made by him that cauſed this mony to be made ouer vnto you, before you were to pay the ſaid Bill, which (for ſome cauſes) you are to conceale for a time, you are for all that to be paid of your hundred pounds, or the diligences which are requiſit to be done herein are both waies

to

to be obſerued accordingly. But when it is done by voluntarie conſent and agreement, then is it queſtionleſſe; for *Voluntas eſt menſura actionum*, The Will doth regulate the Action; and if any Factor doe the ſame for another mans account, without commiſſion, he ſhall be anſwerable for it, as before is declared in the Title of Factors and Seruants, and the Commiſſions giuen vnto them. Will doth regulate actions, &c.

For the better explanation of Exchanges for monies, taken vp for one place, and deliuered again for another place, let vs obſerue this example.

Ten thouſand Ducats were taken vp at Antuerp for Venice, at Vſance of two moneths at ſeuerall prices of 113 ½ pence, 114 pence, 115 ½ pence for the Ducat, beeing the Medium, or one with another at 115 pence, made Flemiſh money ——— R. 4791—13—4

Example of Exchanges and Rechanges of monies.

Theſe R. 4791—13—4, were made ouer for London at Vſance being one moneth, at diuers prices, whereof the Medium was 32 ſhillings 4 pence, and made ——— ℔ 2875—00—00

Theſe R. 2875 ſterling being receiued, and Factoridge, brokeridge and port of Letters deducted, remained 2860 ℔, which were made ouer for Antuerp again at ſeuerall prices, and the Medium was 34ß 2 ½ d. ——— ℔ 4894—15—10

The ten thouſand ducats at Venice were taken vp for Frankford, at 130 Florins of 65 Creutzers for 100 Ducats, whereunto Factoridge and Brokeridge added, it amounted to 13130 Dollars or Florins of 65 Creutzers, and with Brokeridge and Factorage at Frankford was Florins ——— *Flo.* 13260—00—00

The 4894—15—10 Flemiſh, receiued in Antuerpe, were made ouer for Madrill in Spaine at diuers prices, whereof the *Medium* was 106 pence for a Ducat of 375 Maluedeis to bee paied in Banke at foure months time, with fiue vpon the thouſand, and made Ducats ——— *Duc.* 11132—12—06

Theſe 11132 Ducats, twelue ſhillings ſix pence of a Ducat, were made ouer from Madrill to Lixborne in Portugall, and deducting Factoridge and Brokeridge there remained 11010 Ducats of 440 Reas for euery Ducat of 375 Maluedeis, or 11 Ryalls, is 4844 V 620 Vlas and Ducats ——— *Duc.* 12111—11—00

Theſe 12111 Ducats or Cruſats of Lixborne made ouer to Antuerp, Factoridge and Brokeridge deducted, remained 11990 Ducats, at 98 pence Flemiſh euery Ducat or Cruſat, was Flemiſh ——— R. 4895—18—04

The 13260 Florins at Frankford, taken vp for Antuerp at 81 pence ——— R. 4530—10—00

R. 365—08—04

Theſe monies paied Brokeridge and Factoridge for Venice, and deliuered for London, and for Madrill 38—2—4, which muſt be deducted ——— R. 38—02—04

So there was aduanced by induſtrie with other mens monies R. 327—06—00

CHAP.

CHAP. IX.

Of the Feats of Bankers performed by Exchanges.

WEe haue in the firſt part of this booke made a deſcription of Bankes and Bankers, in regard of the payments and exchanges made in Banks for commodities bought and ſold: and hauing in the precedent Chapters declared the foure manner of Exchanges, and the merchandiſing exchange by denomination of it to be the Canker of Englands Commonwealth; let vs now intreat of the feats of Bankers. Some men of iudgement haue found my Writing to be inuectiue and patheticall againſt Bankers, wherein they are not miſtaken; for the vſe of Banke (vnleſſe they be countermined by other Banks) are not to be ſuffered in any well ordered Commonwealth, as time will manifeſt more and more. The French King *Lewis* the ninth, and *Philip* the Faire, did with great cauſe confiſcat the Bankers goods, and for diſcouerie of their debts, ordered their ſubiects to pay only the principal money into their Treaſuries. *Philip de Valoys* did the like, and indicted them as couſeners of the Commonwealth; for it was found that in a ſhort time, with 24 thouſand pound ſterling, they had accumulated and gotten aboue two millions foure hundred thouſand pounds.

Banks are incompatible in commonweals

Bodin de Rep.

Others (who through enuy, malice, and other paſſions, haue the eyes of their iudgement blinded) haue cenſured my writing to be Apologeticall; for the erection of a Banke, vnder colour of the reſtauration of the antient Office of the Kings Exchanger: which how abſurd it is let the Wiſe iudge, by the difference betweene a Banker and a generall Exchanger. The Banker doth draw vnto him all the monies of other men, making his ſmall ſtock to be infinit; and the exchanger muſt with his own ſtock ſupply mens occaſions. The Banker makes the price of Exchanges with correſpondence of other Banks elſewhere, at his pleaſure and moſt aduantage: The Exchanger hath no correſpondence with other Bankers, but with his Factors and ſeruants is limited to deale honeſtly with all men.

Differenee between Banker and Exchange

But becauſe it is difficult to pleaſe mens humors in the reformation of abuſes, which either for gaine ſome would haue to continue, or others through ignorance do not vnderſtand: Therefore is there another means propounded, as you ſee by this diſcourſe.

Now comming to the Feats of Bankers, it is not ſince yeſterday that the ſame haue been obſerued, much leſſe by mee inuented: but in the yeare 1576, the wiſe and famous Councell of Queene *Elizabeth* cauſed the ſame to be examined by diſcreet perſons, who did make report thereof, albeit they miſſed of the remedie; and they did diſtinguiſh the manner of Exchange to be threefold, *viz.*

¶ *For the Bankers priuat gaine and benefit.*

TO lay their money with gaine in any place of the World where any Exchange lieth.

To gaine and wax rich, and neuer meddle with any Princes commodities.

To buy any Princes commoditie, and neuer bring penny or penny-worth into the Realme, but do it with the ſubiects mony.

To grow rich, and liue without aduenture at the ſeas, or trauell.

To do great feats hauing credit, and yet to be nought worth.

To

To vnderſtand whether in conjecture their monie imploied on Exchange, or buying of wares, will be more profit.

To know certainely whether, and what the Merchants gaine vpon their wares they ſell and buy.

To liue and increaſe vpon euery Princes ſubjects that continually take vp monie by Exchange, and whether they gaine or no.

To winde out euery Princes treaſure out of his Realme, whoſe ſubjects bring in more wares than they carry out of the Realme. ☞

To make the Staple of monie run thither, where the rich price will haue it to bee brought, and pay for it.

To vnfuruiſh the poore Prince of his prouiſion of monie, that keeps his wares vpon intereſt monie, if the enemie will ſeeke it.

To furniſh their need of mony that tarrie the ſelling of their wares in any contract, vntill they make them come to their price.

To take vp monie to Engroſſe any commoditie, either new come or whereof they haue ſome ſtore, to bring the whole trade of that commoditie into their owne hands to ſell both at their pleaſure.

¶ *For the aduancing of one Common-wealth, aboue all other Common-weales.*

TO hide their carrying away of any Princes monie.

To fetch away any Princes fine monie, with his owne or any other Princes baſe monie.

To take vp Princes baſe monie, and to turne into his fine monie; and to pay the deliuerer with his owne and gaine too.

To get vpon credit into their hands for a time all the Merchants monie that will be deliuered; and pay them with their owne and gaine too.

To make the Realme gaine of all other Realmes, whoſe ſubjects liue moſt by their owne commodities, and ſell yerely the ouerplus into the world, and both occupie that increaſe yearely, and alſo their old ſtore of treaſure vpon Exchange. ☞

To vndoe Realmes and Princes that looke not to their common-wealth when the Merchants wealth in ſuch, and the great houſes of one Countrie conſpire together ſo to rule the Exchange, that when they will be deliuerers, they will receiue in another place aboue the ſtandard of the Mint of the Princes monie deliuered: And when they will be takers, they will pay the ſame in another place, vnder the ſtandard of the Mint of the Princes monie taken vp.

To get readie monie to buy any thing that is offered cheape.

To compaſſe readie monie to get any offered bargaine out of anothers hands, and ſo by outbidding the other, oftentimes to raiſe the wares.

¶ *For the deſtruction of a Common-wealth.*

TO get a part and ſometimes all his gaines, that imploieth Monie taken vp by Exchanges in wares, and ſo make others trauell for their gaine.

To keepe Princes for hauing any Cuſtomes, Subſidies, or Taxes vpon their money, as they imploy it not.

To value juſtly any wares they carrie into any countrie, by ſetting them at that value, as the monie that bought them was then at by Exchange in the countrie whither they be carried.

For the better explanation of the premiſſes, let vs remember the deſcription of a Banke heretofore declared, and therein obſerue that great power and command that is giuen them by the Common wealth, to incorporate monies by the meanes of Exchanges, making it to become a merchandiſe, and to ouerrule the courſe of Commodities. Payments in Banke limited.

Some men are of opinion, that the price of Exchanges are made by an indifferent

courſe, becauſe the Bankers at the time of the paiments of Exchanges in the principall places (as Lyons in France, Madrill, and other places in Spaine, Florence and Genoa in Italie, Bizanſon, and other places elſewhere) haue a meeting, and by certaine tickets in writing euery man doth deliuer his opinion, what the price of Exchange ought to be for al places then exchanging for the next Faire, or time of paiment. And according to the ſame the calculation is caſt vp by the *Medium*, that is to ſay, if there be ſeuen or more voices or tickets, the ſaid ſeuen are added together, and the ſeuenth part is the *Medium*; if there be ten, then the ſame being caſt vp, the tenth part is the *Medium*, and ſo for greater or leſſer numbers accordingly. But theſe men are ignorant of the Bankers obſeruations, for they all know how the plentie of monie lieth by Exchanges, and they concur in making the price for their aduantage, and ſo jumpe all to one end vpon the imaginarie monies before declared, which maketh the maine ocean of Exchanges, wherin the Exchanges of England are ſwallowed vp as a little riuer or branch of the ſame, taking ſtill aduantage vpon our fine monies and ſtaple wares to glut vs with their forraine commodities at deere rates. And hence proceedeth the *Primum mobile* of Exchanges, which is the cauſe of inequalitie ſo much abuſed from the true Exchange of *par pro pari*, and neuertheleſſe admitted to be high and low vpon juſt occaſion aboue the ſame, as money is plentifull or ſcarce, or the takers of it many or few.

Exchanges caſt vp by the *Medium*.

Primum mobile of Exchanges.

To this purpoſe, let vs remember, that about ſeuentie yeares paſt, betweene this realme and the Low-countries, many of their coines (although much differing in ſtandards) did in the pound or marke weight, and in the very peece and price anſwere the coines of the kingdome, and did containe as much fine gold and ſiluer as ours, and were alſo named and valued accordingly, whereby twentie ſhillings here made alſo twentie ſhillings with them, being a true *Par*. As for example,

Equall Exchange, or a true *Par*.

		ß		ß	
23 car. 3 ½	The angell at ——	10	The Emperors royall at —	10	22 car. fine.
22 car.	The French crowne —	6	The Flemiſh crowne —	6	

		ß		ß	
11 oun. 2 penny weight.	*Ed.* crowne of ſiluer —	5	The *Philip* doller —	5	10 ounces fine.
	Engliſh ſhilling —	1	Flemiſh ſix ſtiuers —	1	
	Ten groats ſiluer with the Emperours florin —	3			
	foure pence.				

All theſe coines are not anſwered in ſtandard for weight and fineneſſe, but are altered and inhanced by valuation to double and more, as you may finde by the valuations heretofore declared: by meanes whereof inequalitie crept in by the riſing and falling of the price of Exchange, wherein our Merchants haue followed the aduice of others, and loſt the rule of Exchange, and do obſerue to raiſe the price here, when it is riſen beyond the ſeas, and we fall in price as they doe fall; and ſo the publike meaſure of Exchange betweene them and vs is falſified and vntrue, whereby our Commodities are ſold, and alſo forreine commodities are bought.

England loſt the rule of Exchange.

This may be illuſtated by a ſimilitude; for concerning the ſale of our commodities, we do as much in effect, as if ſome Draper did ſell his cloth at a certaine price the yard, and ſuffered the buyer to meaſure out the ſame by the buyers owne falſe yard: or like a Grocer that ſelleth out his Pepper by the pound at a price agreed vpon, and is contented that the buyer ſhall weigh it out by a weight which (vnknowne vnto him) is falſe, and ſo loſeth vnawares, or getteth leſſe than he made account of, becauſe the fraud vſed in the weight and meaſure is vnknowne vnto him. Euen ſo is the cunning courſe of Exchange vnknowne vnto vs, and ſo are our monies exported, and hindered to be imported againe.

(***)

CHAP. X.

Of the true reformation of Exchanges.

AS of all things and in all humane actions, the beginning, progresse, continuance, and termination or end is to be obserued, for the better judgement: so by comparing them often to their princ pall and originall, not onely the disgression of it is made apparant, but also the longer continuance in the same estate, is thereby procured to reduce them againe to their first integritie and goodnesse. For there was neuer any thing by the wit of man so well deuised, or so sure established, which in continuance of time hath not beene corrupted: so that the matter of Exchange being made a merchandise, requireth this consideration for the reducing thereof to his first principle and foundation, which is the intrinsique value of coines of countrie and countries according to weight and finesse, albeit the price thereof in Exchange doth rise and fall according to scarcitie or plentie of monie, proceeding of the few or many deliuerers and takers thereof in the course of trafficke, not by commodities onely, but also by Exchanges deuised vpon monies, in nature of merchandise.

The generall benefit to be preferred, &c.

Herein are the three essentiall parts of trafficke (so often named) to be considered jointly and diuidedly for the good and welfare of common-weales, and not for the benefit of particular or few persons. For albeit that the generall is composed of the particular, yet it may fall out, that the particular will breed a great inconuenience to the generall, whereby priuate persons may reape a benefit to the hurt of a multitude, or the whole Common wealth, in nature of some Monopolies heretofore declared, which may as well happen by ignorance as by premeditated practise.

For to speake ingeniously, Merchants cannot enter into consideration of the quantitie of forreine commodities imported at deere rates, and the natiue commodities at lesser rates exported, respectiuely of former times; by the disportation whereof, commeth an euident ouerballancing of commodities. Merchants do not regard whether the monies of a kingdome are vnderualued in Exchange by the inhauncing of forraine coine in other countries, whereby our monies are exported, and forreine coine or bullion cannot be imported but at an exceeding losse. Lastly, Merchants do not know the weight and finesse of the monies of each countrie, and the proportions obserued betweene gold and siluer, nor the seuerall differences of the standards of monies of gold and siluer, a matter so necessary for them to know, to driue a profitable trade, as by this Booke they may now vnderstand for the common good. Princes and Gouernours therefore are to direct them according to the Lawes, wherein the Law-Merchant must be the true guide and directer.

This direction must as well be established vpon the coine of other nations, as vpon the monies of the kingdome, because the paiments of Bills of Exchanges beyond the seas are made by seuerall coines vpon the valuation made thereof, at the pleasure of Princes, whereby sometimes the monies of the realme are not proportionably valued according to the monies of other countries, which are thereby diuerted also to be imported vnto vs: for example, let vs take the valuation aforesaid made in the vnited Prouinces during the gouernement of the Earle of Leicester, at which time the Royall of eight was valued at 42 stiuers, and the Rickx Doller of the Empire and also their own Doller at 45 stiuers, and the English shilling (at 12 pence here) being there valued at ten stiuers made 20 *ß* sterling, to be by Exchange 33 *ß* and 4 *d*, as a *Par pro Pari*, or value for value. The like for Hamborough at 24 *ß*, 9 *d*, as hath beene noted. Now fiue

Royalls of eight which is at fortie two ſtiuers 35 ß, are valued at 42 ß 6 d, that is to ſay, at 51 ſtiuers, and yet the Exchange is taken ſtill at the ſaid rate, according to which calculation the ſaid Royall of eight is by vs receiued at 5 ß 2 d, which is but 4 ß 2 ½ d, or thereabouts. The difference is 15 vpon the 100 in leſſe than two moneths time: adde hereunto the ten in the hundreth to be had by the ſaid Royalls of eight, that the ſame are better in weight and fineſſe than our ſix pence ſterling, which is taken to anſwere the ſaid Royall by a common calculation, by reaſon whereof there will be giuen ſo much in his Majeſties Mint, or thereabouts, that is to ſay, foure ſhillings and fiue pence, or at the leaſt foure ſhillings and foure pence ½, after the rate of fiue ſhillings ſterling, for an ounce of that ſtandard; ſo together is 25 vpon the 100 benefit, which

A treatiſe of Free trade 1622.

„ cauſed a Merchant aduenturer to ſet downe in print an interrogation in this manner:
„ Who will procure licence in Spaine to bring Realls into England to ſell them here at
„ ten in the hundreth gaine, which is leſſe than the Exchange from thence will yeeld,
„ when he may haue for the ſame 25 in the 100 in Holland? A matter whereby Merchants are eaſily induced to diuert the ſaid Royals from the Realme to thoſe and other countries, and by the common vnderſtanding to remedie the ſame, it is thought there is no meanes to meet with forraine nations in the inhauncing of monies, but we muſt do the like, albeit experience hath ſhewed long ſince that this is not effectuall nor any true remedie. Now if we will conſider things according to the rule aforeſaid, it will plainely appeare that the ſaid fifteene vpon the 100 gaine, more than in England, are but imaginarie, if the Exchange for monies were reformed: for let fiue of theſe Royalls of eight be bought in England for 22 ß, and be tranſported into Holland, and there buy commodities with the ſame (which is according as the price of them is inhanced, for as the monie riſeth in price, ſo doth the price of commodities) it may fall out the ſaid Merchants ſhould become loſers by the commodities, ſo that the ſame cannot be termed *Cauſa mouens*: But the Spaniſh Merchants, which cauſe their Royals to be ſent into Holland or Zealand, from Spaine or from the Downes, relie wholly vpon the Low Exchange, whereby they are inabled to deliuer there their monie by Exchange at an vnderualue, at 33 ß 4 d Flemiſh & vnder, for our 20 ß ſterling, wherby the Kingdome maketh good vnto them the ſaid 15 vpon the 100, conſiſting betweene the price of 42 ſtiuers, and 51 ſtiuers, which is almoſt 18 *pro cent*. If the Royall went but for 50 ſtiuers according to their valuation, ſo that if the Exchange were made accordingly, which would bee aboue 37 ß 6 d, this gaine would not be at all, and monies would be imported vnto vs, and not exported.

A Maxime in Exchanges.

For the rule is infallible, That when the Exchange anſwereth the true value of monies, according to their intrinſicke weight and fineſſe, and their extrinſincke valuation; they are neuer exported, becauſe the ſaid gaine is anſwered by Exchange, which is the cauſe of tranſportion. To make this euident in the Rickx Doller, which is the maine and moſt vſuall coyne in Germanie, Eaſtland, the Vnited and Reconciled Low-countries before their late Proclamations, and currant in many other Countries: obſerue we, that the ſaid Doller was valued at two markes Lubiſh, euery marke being ſixteene ſhillings Lubiſh, or ſixteene ſtiuers. For the yeare 1575 the ſaid Rickx Doller was ſtill coyned in the Empire for 32 ß or ſtiuers, and ſo currant by valuation in the Low-countries whereby they were all one in denomination and effect: But the wars in the Low-countries hath beene the cauſe of the inhancing of this Doller, which was brought to 35 ſtiuers, and in the yeare 1586 to 45 ſtiuers, or to 52 ſtiuers now by interminſſiue valuations and times. Howbeit at Hamborough, Stoade, and other places in Germanie, the ſaid Doller did remaine ſtill at 32 ß Lubiſh, or two markes: and as the the ſaid Doller did inhance in price, ſo did they in the Low-countries coyne new ſtiuers accordingly; ſometimes lighter in weight, and at other times abaſed by Copper or Allay, and yet in account the ſtiuer did and doth remaine the ground of all their monies: but the ſaid Doller holdeth his ſtandard agreeable to the firſt Doller, called the Burgundian Doller with Saint *Andrewes* Croſſe, coyned in the yeare 1567, which is in fineſſe ten ounces twelue pennie weight of fine Siluer: and foure and an halfe of theſe Dollers were made equiuolent to our twentie ſhillings ſterling, as a publike

A ſhilling Lubiſh, and a ſtiuer Flemiſh was all one. 1575.

A great Fallacie.

meaſure

meaſure betweene vs and the Low-countries, Germanie, and other places where this Doller went currant, as you may obſerue in the precedent Chapters.

Theſe Dollers haue ſince beene imitated and made by the States of the Vnited Prouinces in their ſeuerall Mints, altering onely the Armes of their ſeuerall Prouinces; as alſo by the Arch-Duke *Albertus* in the reconciled Low Prouinces, and the price of them at Hamborough, Stoad, and other places was but aduanced to one ſtiuer or ſhilling Lubiſh more, that is to ſay, at 33 ß Lubiſh went, the ſame went in the Low-countries for 45 ſtiuers, which made the diuerſitie of the ſaid *Par* of Exchanges of 33 ß 4 *d* for the Low-countries, and 24 ß 9 *d* for Hamborough, being all one in ſubſtance. This Doller is ſince that time (as I ſaid) inhaunced to 52 ſtiuers in the Low-countries, which maketh the price of Exchange aboue 38 ß, or rather 39 ß; and ſhall the Kingdome ſuffer this and not alter our price of Exchange accordingly, but be contented to take 34 or 35 ß, and after that rate vnderſell all the commodities of the Realme? In the Netherlands.

This Doller is likewiſe ſince that time more inhaunced in Germanie, from time to time. And leauing the exceſſiue valuation in remote places, let vs note the valuation of Hamborough, where it hath beene at 54 ſtiuers the Doller, which maketh the Exchange aboue fortie ſhillings of their monie for our twentie ſhillings. And although we haue raiſed our price of Exchange, from 20 ß 9 *d*, to 35 ß and thereabouts, ſhall we reſt here and go no further? Haue we reaſon to do it in part, and not in the whole, according to Iuſtice, Equitie, and true Policie: and ſhall we be like a man that by halting in jeaſt became lame in earneſt? *Abſit ignorantia.* In Germanie.

The monies in Chriſtendome, which haue their ebbing and flowing do ſhew their operation vpon commodities, maketh by plentie the price therof deare, or by ſcarcitie better cheape, as hath beene noted: but Exchange hath a contrarie meane of working, for plentie of monie maketh a low Exchange, and ſcarſitie of monie maketh a high Exchange and the price to riſe, which is of great conſideration; becauſe it ouerruleth monie and commodities, which neuer entred in the politicke ſtudies of *Ariſtotle*, *Senica*, or *Cicero*, who were but in the infancie of Trade. And Ciuilians can tell vs that *Commercium*, is *quaſi Commutatio Mercium*, but went no further in this juſt and Princely ſtudie of State affaires, to augment by all lawfull meanes of *Ius gentium*, the wealth of their Kingdomes and Territories: as alſo to preuent the diminution thereof, by the carrying away of their monies and treaſure. True it is that the Statute Lawes of England haue had a care hereof, but the remedies haue beene hitherto defectiue, by miſtaking the Efficient cauſe thereof: which remedies may be diſtinguiſhed three manner of waies. The courſe of monie and Exchange, are contraries in operation.

1 Firſt, The Statute of imployment for Merchant ſtrangers, made for three eſpeciall cauſes: 1 For the aduancing of the price & ſale of our natiue commodities: 2 To preuent the ouerballancing of forraine commodities: 3 To preſerue the monies within the Realme. 14. *R.* 2. Commodities.

2 The lodging of Merchant ſtrangers with free hoaſts, who had an inſpection in their negotiations for commodities and monies.

3 The keeping of Staples for Woolls, Woolfels, and other commodities beyond the Seas, with their Correctors and Brokers to regiſter Merchant ſtrangers dealings.

4 To cauſe Denizens to pay ſtrangers Cuſtomes inwards and outwards.

5 The ſundry treaties and conferances with the commiſſioners of other Princes, about Merchandiſe, Monies, and Exchanges.

6 The ſeuere Proclamations for the obſeruation of the Statutes made for and concerning the ſame, and the Articles of Entercourſe.

7 The prohibition to export commodities, but at great Ports.

8 The prohibition for ſtrangers to ſell wares by retaile.

9 The prohibition for Engliſh Merchants to ſhip goods in ſtrange Bottomes.

10 The tranſportation of monie made Felonie by Act of Parliament. Monies.

11 The attendance of Searchers, Waiters, and other Officers.

12 The ſtrict information in the Exchequer and other Courts.

13 The ſwearing of the Maſters of ſhips, for exportation of monies.

14 The

14 The reformation of the ouerheauines of our pound weight Troy in the Tower.
15 The ouerrichneſſe of our ſterling ſtandard of monies.
16 The alteration of the proportion betweene Gold and Siluer.
17 The making of more prices out of the pound Troy by the Sheyre.
18 The inhauncing of Siluer and Gold Coynes in price.
19 The imbaſing of monies by Allay or Copper.
20 The vſe of many ſtandards of monie, and reduced to two againe.
21 The increaſing of coynage monie to hinder the exportation.
22 The prohibition to cull out heauie pieces to melt or tranſport.
23 The baniſhing of light Spaniſh monie, and Gold to be molten.
24 The giuing more for Bullion in the Mint.
25 The prohibition for Goldſmiths to buy Gold or Bullion.
26 The making of the principall forraine Coyne currant in England.
27 The binding of Merchants to bring in Bullion.
28 The prohibition to pay Gold vnto Merchant ſtrangers.
29 The prohibition to take gaines vpon Coynes.
30 The Bullion in the Mint to be deliuered by weight, to reſtore by tale.
31 The inhauncing of Gold and vnderualuing of Siluer.
32 The puniſhment of tranſporters in the Starre chamber by Fines.

Exchange. 33 The prohibition by Act of Parliament, to make Exchanges for monies for forraine parts without the Kings eſpeciall licenſe.

34 Monie deliuered to Sir *Thomas Greſham* Knight, out of the Exchequer, to rule the courſe of Exchanges by Bills.

35 The Office of the Kings Royall Exchanger, neuer put in practiſe ſince the merchandiſing Exchange began, erected by King *Edward* the firſt in the eleuenth yeare of his raigne, by an Act made at Acton Burnell, as aforeſaid.

Here wee are to obſerue the Statute of employment to be defectiue, when Merchants (both Engliſh and Strangers) haue an abilitie giuen them by Exchange to take vp monie here, and to deliuer a Bill of Exchange for it payable beyond the Seas, and can ſend ouer the monie *in ſpecie* and be a great gainer thereby: inſomuch that if I receiue here 100 peeces of 20 *ſ*, I can ſend 90 peeces to pay my Bill of Exchange, and put ten peeces in my pocket for an ouerplus and gaine.

The like may be done by making ouer monie from beyond the ſeas to be paied here by Exchange, which being receiued, I can tranſport with 15 vpon the 100 gaines in two moneths and leſſe, and aduance 100 vpon the 100 in one yeare, which exceedeth all the benefit to be made by commodities, wherewith I need not to intermeddle, neither can the ſaid ſtatute be any helpe herein to remedy the ſame.

This gaine ariſeth by the vnderualuation of our monies, in regard of the inhancing and ouerualuation of forraine coynes, ſo that the cauſe is extrinſique, and compriſed vnder the ſaid Exchange of monie, and not intrinſique in the weight and finenes of monies, which are conſidered in the courſe of true Exchange betweene vs and forraine nations: and thereupon it followeth, that neither difference of weight, fineſſe of ſtandard, proportion betweene gold and ſiluer, or their proper valuation of monies can be any true cauſe of the exportation of our monies, ſo long as a due courſe is held in the Exchange which is grounded thereupon.

Hence ariſeth the facilitie of the remedie by the reformation of the Exchange, in cauſing our monies to be truely anſwered by Exchange, according to the very value, or aboue the ſame, which cutteth off the ſaid gaine had by the exportation of monies, and cauſeth alſo (in effect) that the forreine coynes beyond the ſeas are not taken in payment aboue their values, although they be receiued at a higher rate, becauſe the commodities of the Realme are ſold according to the price of Exchange, which counteruaileth the ſame according to their inhauncing of coynes, or embaſing of the ſame by allay or copper.

All men of common vnderſtanding, when they doe heare of the raiſing of monies beyond the ſeas, are readie to ſay, We muſt do the like. For they conceiue the ſaying

of

of *Cato, Tu quoque fac ſimile, ſic Ars deluditer Arte*, to be a proper application hereunto. But they doe not enter into conſideration what alterations it will bring to the State, and that the matter might run *ad infinitum*, as ſhall be declared.

But let vs ſuppoſe, that this will be a ſufficient remedie to inhance our monies, as they do theirs, to imbaſe our coynes as they do theirs, and to imitate ouerualuation of gold and ſiluer as they do, which requireth a continuall labour, charges, and innouation. Is it not an excellent thing, that all this can be done by the courſe of Exchange with great facilitie? and that without inhauncing of our monies at home, or medling with the weight and fineſſe of the ſterling ſtandard; this is to be done onely by his Majeſties Proclamation, according to the ſtatute of Exchanges, prohibiting that after three moneths next inſuing the ſame, no man ſhall make any Exchanges by Bills or otherwiſe, for monies to be paied in forraine parts, or to be rechanged towards this Realme, vnder the true *Par*, or value for value of our monies, and the monies of other countries in weight and fineneſſe, but at the ſaid rate, or aboue the ſame, as Merchants can agree by the meanes of Brokers, or amongſt themſelues, but neuer vnder the ſaid rate, which ſhall be declared in a paire of tables publikely to be ſeene vpon the Royall Exchange in London, according to the ſaid Proclamation: and the ſaid tables ſhall be altered in price, as occaſions ſhall be miniſtred beyond the ſeas, in the ſeuerall reſpectiue places of Exchanges, either by their inhauncing of monies by valuation, or by imbaſing of the ſame by allay, as hath beene noted; which by a vigilant eie may be obſerued, and will be a cauſe to make other nations more conſtant in the courſe of their monies: and this will be executed more of courſe than by authoritie, becauſe gaine doth beare the ſway and command with moſt men.

The way to reſtore Englands wealth.

For the Merchant Stranger being here the deliuerer of money generally, will eaſily be induced to make the moſt of his owne, receiuing by Exchange more for our monies beyond the ſeas: and the Engliſh Merchant (being the taker of the ſaid monies) will not be ſo injurious to the State, as to giue leſſe beyond the ſeas than the value of our monie in Exchange, contrary to the ſaid Proclamation: and if he would, the deliuerer will not let him haue it. Beſides that the takers occaſions are inforced by neceſſitie, and he can be no loſer; for by direction, he will ſell his commodities beyond the ſeas accordingly, becauſe the price of Exchange doth ſtill gouerne the ſale and buying of commodities, as aforeſaid.

Engliſh Merchants being the deliuerers of the monies beyond the ſeas, and the price of Exchange altering there accordingly, will haue the like conſideration, and the Merchant Stranger will prouoke him thereunto: and if there be no takers, the Engliſh Merchant may bring ouer the money *in ſpecie*, wherein he ſhall become a gainer.

The courſe is agreeable to Iuſtice and the law of nations, or *jus gentium*, and will not hinder the Exchange to riſe and fall, as formerly, but keepe all in due order, with theſe conſiderations, cautions, and preuentions as ſhall be ſet downe to preuent all inconueniences proceeding by the inhauncing of monies, which fall generally vpon all men in the endearing of things, and particularly vpon land lords and creditors in their rents and contracts, and eſpecially vpon the Kings Majeſties lands.

Inconueniencies of the inhauncing of coynes.

The ſtatute of Imployment muſt alſo be obſerued, to make the remedy more compleat, with a Regiſter to record the monies which forraine Mariners do receiue for fraight, comming from Norway and other places, making aboue one hundreth voyages yerely; as alſo many other ſhips bringing corne into the Northerne and Weſterne parts of this Realme, and exporting monies for it.

The Turke, Perſian, and Ruſſian haue herein ſurpaſſed vs in true policie, by keeping the price of their Exchanges high, much aboue the valuation of their monies; ſo that they haue no trade by Exchange nor monies, but onely for commodities, whereby they preuent the ouerballancing of forraine commodities with theirs, as alſo the exportation of their monies; albeit the vſe of our commodities is in thoſe countries very great.

The policie of the Turke and Ruſſian.

The obiections made by ſome againſt this ſole remedy are eaſily to be anſwered, for they are grounded vpon ſuppoſitions againſt aſſured experience.

Obiections to the remedie.

1. Some

1 Some make doubt that the price of Exchange being riſen, there will be no takers of mony, and then the deliuerer is more thruſt vpon the exportation of monies.

2 Others ſay, that thoſe Merchants which haue ſold their cloth beyond the ſeas ſhall receiue a loſſe in the making ouer of their monies from thence, by deliuering more there in Exchange than now they do.

3 Others ſay, that they ſhall not be able to vent their clothes according to the high Exchange, eſpecially now that cloth is out of requeſt; and would haue the matter of reformation deferred vntill another time in their opinions more commodious.

Anſweres: The firſt obiection is anſwered before, That the taker is ruled by the deliuerer, who will not giue his money in Exchange vnder the true value, according to the Proclamation to be made, and the deliuerer being the Merchant Stranger here, will ſooner be thruſt vpon the ſtatute of Employment, for by the exportation of money, he ſhall haue no gaine; whereas ſome of the diſcreeter ſort would not haue the ſaid ſtatute too ſtrictly preſſed vpon the ſtranger, becauſe the trade ſhould not be driuen into their hands, *Mediocria firma.*

To the ſecond, the Proclamation (limiting a time for execution) giueth Merchants abilitie to recouer their monies, or to ſell their Bills of debts for mony, or to buy commodities for them, as the manner is.

To the third, experience maketh a full anſwere to both, that there did not want takers, when the late inhauncing at Hamborough cauſed the Exchange to riſe from vnder twentie and eight ſhillings to aboue thirtie and fiue ſhillings, which is more than the preſent alteration will be: and Wooll was at thirtie and three ſhillings the Tod, which is now fallen vnder twentie ſhillings; ſo that the vent of our cloth was not hindered when it was ſold deerer by one full third part; but there was aboue 80000 Clothes ſold yearely, where there is now ſold but 40000 Clothes. The time is alſo to be thought more conuenient to aduance a commoditie, being vnderualued, than to do it when the price is high; for this plurifie of the common-wealth is dangerous, and admitteth no time of curing, like the fire in a citie, which permitteth not any inquiries to examine how the ſame began, but requireth euery mans helpe to quench the ſame.

Treatiſe of free trade. *E. M.* And whereas it is alledged in the defence of the inhancing of coyne, That which is equall to all (when he that buyes deere ſhall ſell deere) cannot be ſaid to be iniurious vnto any.

This opinion is without conſideration of the alteration of Weights and Meaſures betweene vs and other nations, that is, Exchange for monies, and what the ſame may produce to the loſſe of the common-wealth, albeit that betweene man and man it may proue alike in ſome reſpects.

To make this euident; Suppoſe two Merchants, the one dwelling in London, and the other dwelling at Amſterdam, doe contract together, that the Londoner ſending Clothes to be ſold at Amſterdam, the Merchant of Amſterdam ſendeth him Veluets and Silkes to be ſold at London: and (in the account to be kept betweene them) they agree to reckon the monies in Exchange but at thirtie ſhillings Flemiſh, for twentie ſhillings ſterling and ſo make returne each to other from time to time, as monies ſhall be receiued both here and beyond the ſeas. Whereupon put the caſe, that there is receiued at Amſterdam 1500 ℔ Flemiſh for Cloth, and at London there is receiued one thouſand pounds ſterling for Veluets and Silkes, which according to the ſaid computation is all one in effect betweene them, and might by way of reſcounter anſwere each other in account. But the Merchant of Amſterdam knowing that (by reaſon of the inhauncing of monies there) he can make a great gaine to haue the ſaid one thouſand pounds to be ſent vnto him *in ſpecie*, hee deſireth the Londoner to ſend vnto him this one thouſand pounds ſterling in ſiluer or gold coynes, Royalls of eight, or Rickx dollers, whereby he ſhall profit fifteene vpon the hundreth by the meanes aforeſaid, which amounteth to one hundreth and fiftie pound gaines. Now the Londoner hauing his one thouſand and fiue hundreth pounds Flemiſh, or one thouſand pounds ſterling at Amſterdam, cannot do the like, becauſe the mony by the ſaid inhauncing is receiued there aboue the value, ſo that his mony muſt be deliuered there by Exchange

at

at 33 ſ 4 d or vnder, whereby he receiueth here the ſaid 1500 ℔ Flemiſh with no gain at all. Thus the account is made euen between them, but by theſe means the kingdom is depriued of the 1000 ℔ of the Merchants money ſent to Amſterdam, which doth not only procure mant of our monies, but cauſeth alſo the natiue commodities to be vnder-ſold, and the forreine commodities to be aduanced in price beyond the ſeas, by plenty of mony there, and hindereth the importation of Bullion.

To preuent this the queſtion is now, Whether it be better and more expedient to raiſe the price of exchange, or the valuation of our monies? Surely all men of iudgement will ſay, That the raiſing of exchange breedeth not that alteration which the inhauncing of monies doth, to make euery thing dearer, and to cauſe Landlords and creditors to loſe in their rents and contracts. And Merchants of experience know that we cannot do as they do; for the inhauncing of our monies here wil be countermined by other nations, who ſtill will vnderualue them in exchange between vs, vnleſſe it be preuented by our owne true valuation to be made known as aforeſaid.

The Author of this treatiſe o Free trade doth ſay, *That it is not the rate of Exchanges, but the value of Monies, here low elſewhere high, which cauſe their exportation; nor doth the Exchanges, but the plenty and ſcarcitie of monies cauſe their values*, which is meerly *Hiſteron Proteron*, whereunto I haue anſwered heretofore, *viz.* Page 104

There are three waies to diſſolue an argument, *Deniall*, *Retorting*, and *Diſtinction*. *Denial* is too hoſtile, ſauoring more of obſtinacie than of art: *Retortion* is more witty than profitable; but *Diſtinction* is like mature remedies compared to Purges, which cleanſe and feed. But the ſaid Author did take the courſe of *Deniall*, and proueth nothing touching the matter in queſtion. Three wayes to diſſolue an argument.

If monies be here low, and elſwhere high how is this known but by the valuation of Exchange? conſidering the diuerſities of monies of ſeuerall ſtandards, wherein the Exchange is like the Aſſay, whereby the fineneſſe of gold and ſiluer is knowne, grounded vpon the quantity which the Exchange requireth, according to the weight of fine ſiluer and gold contained in the monies of each country, which is the intrinſick value, and not according to extrinſick valuation, which is altered by denomination; for the name of a thing doth not alter the value really, but the ſubſtance doth it, if it be altred: much leſſe doth plenty or ſcarcity of mony cauſe their values, it being contrary to the nature and property of monie; the yard doth meaſure the cloth, but the Cloath doth not meaſure the yard. To illuſtrat the premiſſes by example, I haue heretofore ſhewed the conſideration incident. Exchange compared to the Aſſayes of money.

Suppoſe that ſome Merchants ſtrangers do come ouer into the realm to buy a pack of ten clothes, valued at 80 ℔ ſterling, which they are to pay in gold and ſiluer, & they do not know the weight and fineneſſe of their forrein Coine which they haue brought ouer; hereupon to content both parties, the monies on either ſide muſt be tried by the ſubtill Aſſay, according to their fineneſſe computated vpon the twelue ounces Troy, and then by weight they anſwer each other accordingly. And ſo this negotiation is in effect but a permutation of monies for Commodities, before Exchange was inuented.

Hitherto wee haue handled of the reformation of Exchanges, for places where the baſis or foundation of exchange is made vpon our 20 ſhillings ſterling, that is to ſay, when Merchants beyond the ſeas, deliuering monies there for England, will cauſe the Brokers of Exchanges to know how much Flemiſh or Hamborow monie merchants will giue there, to haue twenty ſhillings ſterling paid in England, euen as we do here, to know how much in Flemiſh monie or other coines a Merchant wil giue for the ſaid twenty ſhillings here, by an agreement to be paid beyond the ſeas by a bill of Exchange. But now we are to treat of the reformation of the exchanges which are made vpon forrein coines, or rather imaginarie monies of other countries: as for France vpon the French crown of ſixty ſoulz; for the Eaſt countries vpon the Florin Poliſh; for Germany vpon the Rickx Dollar of 72 Creutzers; for Venice apon their Ducat; and ſo for other places. Exchanges made vpon forrein coin.

Herein let vs obſerue that the courſe of it is directly oppoſit; for whereas in the one

we do procure to haue much mony,or at the value anſwered by exchange: ſo in the other we may do the like,and rather procure leſſe to be giuen in exchange,becauſe that the foundation of thoſe Exchanges is made vpon forrein coine.

Neuertheleſſe conſider we, That when foure Teſtons, or three Franks in *ſpecie* were calculated for the ſaid Crowne of ſixty ſoulz in exchange,then euery ſuch Teſton was ſixty ſoulz by valuation,and euery ſuch Frank was 20 ſoulz. But ſince that time the ſaid pieces of Teſtons are made currant for 16 ½ ſoulz,and the Franks at 22 ſoulz, being the ſame in weight and fineneſſe,without any alteration in the ſtandard, called, *Le Pied de la Monoye*, but onely inhaunced in valuation, according to which,payments are made in ſiluer coines. Alſo for the gold coins,as French crowns and Piſtolets, which are inhaunced at times,vntill 72 ſoulz from 60 ſoulz,whereupon the ſaid Crowne was valued at 6 ſhillings ſterling; Is there any man of iudgement that will giue, if he can chuſe, ſix ſhillings or 72 pence, and 72 ½ pence, for the ſaid French Crowne in Exchange,when the Crowne in *ſpecie* is paid him in France for 75 ſoulz. The like conſideration are we to haue of the Dollars of Germany,of the Poliſh Guilders or Florins, and all other Coines inhaunced aboue the par of Exchanges heretofore calculated among Merchants,and eſpecially with the admittance of Princes.

The operation hereof in the courſe of traffique is of very great moment, more than in times paſt, when the difference was not ſo ſencible;which made me to compare the ſame vnto the ſerpent Aſpis,which ſtingeth men in ſuch ſort that they fall into a pleaſant ſleepe vntill they die. Which is meant by particular perſons,whoſe eſtate is conſumed by running vpon exchanges. Or like vnto the crueltie of the planet Saturne, which maketh his ſpherical courſe in 30 yeares with great operation,although we do not ſo ſencibly perceiue his motion, which is meant in the revolution of ſtate affaires in progreſſe and continuance of time.

Chap. xj.

Of Attachments and Arreſt.

THe Common Law of England doth not vſe the courſe of Attachments, as is vſed by the Cuſtome of the City of London,which was borrowed from Merchants actions obſerued in forrein countries,and was thereupon by cuſtome here eſtabliſhed,it being a ready way whereby men may ſecure themſelues of preſent means, if they doubt of their debtor. For if the Creditor do know any debts or goods belonging vnto his debtor, he may inſtantly vpon a ſpecialtie to be exhibited vnto the Magiſtrat,haue authoritie to attach the ſaid debts and goods in the hands of any perſon where he findeth them, only priuiledged places excepted, or Eccleſiaſticall perſons in moſt places.

To this Attachment if the party do appeare and put in baile either by himſelfe or his Atturney, then the ſayd Attachment is *ipſo facto* void,and Declaration beeing put in, dependeth in Court vpon the ſaid Baile; and if no Declaration be put in the next Court day, or within three dayes, then the ſayd Baile is likewiſe diſcharged by the ſayd Cuſtome; albeit this is not ſo duely obſerued as the Cuſtomarie Law of Merchants requires. But if the party do not appeare, and the attachment do proceed three Court daies,or three defaults to be entered, then for the fourth default judgement or ſentence is giuen, that hee who did make the Attachment ſhall recouer the ſaid debt and goods,and take the ſame into his own poſſeſſion,vpon good ſureties to be put into the

the Court, to anſwer the value thereof within one yeare and a day, in which time the proprietarie may diſreaſon the ſaid recouery, by diſprouing the other parties ſurmiſes or allegations, prouing that the ſpecialtie was paied whereupon the Attachment was grounded. For the Attachments beyond the ſeas cannot be made vpon any pretended Action, but muſt bee done vpon a Bill of debt, and many times the Magiſtrates will ſequeſter the goods or debts into their owne hands, to auoid incertainties of honeſt dealings. Beſides, Merchants will be aduiſed before they make Attachments, becauſe both the Ciuile Law, and Cuſtomes of Merchants do impoſe great damages vpon the party, if he haue made his Attachment without iuſt cauſe, to the ouerthrow of the other parties credit. And moreouer, if it bee vpon debts appearing by ſpecialties or Bils Obligatorie, it may fall out that the ſaid debts are transferred or ſet ouer to other Merchants, according to the Cuſtome heretofore mentioned, whereby the property is altered.

I remember a caſe of mine owne, that hapned aboue 20 yeates ſince, which concurreth with the matter in hand: A Merchant being indebted vnto me by a Bill Obligatorie the ſum of 800 ℔, payable at ſix months, was perſuaded by a friend of his (with whom I had ſome differences and controuerſies of accounts) to ſuffer an Attachment to be made in his hands of the ſaid moneys, by the Cuſtome of London, vpon promiſe made vnto him, That he would giue him long days of payment for the ſaid moneyes: whereupon my Debtor appeareth to the ſaid Attachment, and did acknowledge the the ſaid debt of 800 ℔, relying vpon the long daies of paiment, and he that made the Attachment did proceed in the Law, and had judgement thereupon, making no doubt to obtaine execution accordingly. Beeing aduiced by learned Councell in London, we ſuffered him ſo far to proceed, and then we did ſpeake in Arreſt of Execution, and brought a Writ of *Certiorare* out of the Kings Bench, vnder the hand of the Lord Chiefe Iuſtice, putting in ſpeciall baile in London to ſatisfie the iudgement. The record was remooued to the ſaid Court of Kings Bench, and there wee did put in other baile, and vpon that brought a *Superſedias* into London, and diſcharged our eſpeciall baile, and by the Law, the ſaid Attachment and all proceedings were made void; and this Merchant was taken, *Pro confeſſo*, and ordered to bring the mony inſtantly into the Court, whereas he had yet ſix months for the paiment; the intereſt whereof was 40 ℔, whereby the Prouerbe tooke place, *Fallere fallentem non eſt fraus.*

Attachments to be remoued after judgements.

Here the Law did preuaile againſt Cuſtome: but in another like matter of Attachment, Cuſtome hath preuailed againſt the Law.

One being indebted vnto another the ſumme of 100 ℔ payable at a certain time, it came to paſſe that the Creditor went ouer beyond the ſeas before the mony was due: the cautelous Debtor, vpon vntrue ſurmiſe to defraud the Creditor, made attachment of this money in his owne hands by the Cuſtome of London, and put in ſureties to be anſwerable for it for one yeare and a day, according to the maner and order of the Court, in which time the ſaid Creditor was to diſreaſon the ſaid pretended debt; but the Creditor (being beyond the ſeas and ignorant of theſe proceedings) came ouer after the expiration of the yeare and day, and the Debitor had iudgement vpon the ſaid attachment, and execution awarded vnto him in his owne hands. The Creditor being now come ouer, demanded his money, the other denied to owe him any; in briefe, the Bill was put in ſuit at the Common-Law, the Debitor did plead the ſaid judgement and recouery in London, and by that practice and fraudulent means defeated his Creditor: and being done by Law, it is taken to be no couſenage to be puniſhed by the ſtar-chamber or other Courts, only the party is *A. K.*

Touching Citizens or Merchants arreſts beyond the ſeas, there is a Cuſtome that no Officer may arreſt after Sun ſet; ſuch therefore as go abroad but at thoſe times, are ſaid to *Fly with the Owle*, by a common Prouerbe: and it is hoped by the ſaid Cuſtome that the Debtor may (by hauing acceſſe at ſome time vnto his Creditor) compound with him, and preſerue the good opinion and credit wherein he liueth, and thereby not only haue means to recouer himſelf, but alſo be an occaſion to gather in his own debts ſooner. In ſome places alſo they may not arreſt vpon the Sabbath-days and Holy-days,

No arreſt to be after Sun ſet.

to the end they ſhould not be depriued of Diuine ſeruice towards God, and comfort of their Soules.

The officers or Serjeants may not arreſt any man vpon the Burſe or roial Exchange, although the party to be arreſted ſhould yeeld thereunto, and renounce the ſaid priuiledge. It is not many yeres ſince a Merchant of Amſterdam being vpon the Exchange at Antuerp, had notice giuen him that another Merchant had giuen order, That vpon his going from the Exchange he ſhould be areſted, and that the officer did attend him being neere at hand: whereupon he perceiuing the ſaid Officer, called him vnto him, and ſaid he would obey the arreſt; which for the firſt time is but an adjourning or Citation. The officer did require a pledge of a piece of coine in token thereof (as the maner is) which he gaue him. Afterwards this Merchant of Amſterdam (beeing otherwiſe aduiſed by his friends) did diſclaime from that arreſt, becauſe it was done vpon the Exchange, and claimed the ſaid priuiledge: inſomuch that the magiſtrats and the learned Advocates on both ſides did thereupon aſſemble in the Town-houſe, as it were the Guild-hall, and there the matter was debated and diſcuſſed at large according to the Lawes: and it was at laſt concluded and determined that the ſaid Arreſt was void in Law: for the renuntiation of a priuiledge by any particular or many perſons, canot derogate or abrogate any cuſtome or priuiledge, not onely in the generall, but alſo in the particular; ſo that within 24 houres after he might haue bin arreſted again, but he was *non inventus*, and vpon this arreſt he was to finde caution to anſwer the Law.

The renuntiation of a Priuiledge canot aboliſh the Priuiledge.

The like is to be vnderſtood for all priuiledged places, as Churches, Chappels, Churchyards, and other places and juriſdictions; and diuers cities and townes do not permit any man to be arreſted vpon forein pleas for debts and contracts made in other townes, places or countries, which are as places of refuge for ſome Merchants; as the towne of Middleborough in Zeland, and the towne of Dort in Holland, and other Cities and townes in other countries, and moſt cities and townes where a nation or a ſocietie of Merchants doe agree to make their reſidence, as the Company of Merchants Aduenturers and others, commonly the ſaid cities and townes do exempt them from all litigious ſuits which happen between themſelues, to be determined by their Gouernor or Court maſter; ſo as only controuerſies hapning between them and ſtrangers or inhabitants are ſubiect to the ordinary courſe of the Law, for the determination of Merchants differences. They will alſo free them from all debts owing by Kings, princes, and States, ſo that the ſubiects goods ſhall not be liable thereto, to the end that traffique be not interrupted.

Townes of Refuge.

The officers or Serjeants which make theſe arreſts are known by their habit, or by a rod to be ſeen in their hands, and may not by ſtealth come vpon a man; wherby many inſolencies are preuented, and Serjeants are not ſubiect to be killed, as many times they are with vs; and if they haue not their habits or colours, no man is to aſſiſt them if they be abuſed, and the reſcuing of a man then is no offence; and howſoeuer, if a man arreſted or to be arreſted do run away, euery man giueth him way, as deſirous to helpe him, to keepe him out of troubles, accounting the arreſting of a man to bee a part of the hangmans office: and neuertheleſſe their hangmen are ſeene to be alwayes in rich apparell, and are reputed as neceſſarie members in a Commonwealth, whereas in England it is very contemptible and baſe.

Officers knowne by their habit.

Returning to ſpeak again of Attachments, it is a matter of great conſideration with vs, not to admit any to be done in London, or any other city or towne corporat, according to the cuſtome of London, vnleſſe it be vpon plain ſpecialties, and alſo with putting in good ſureties for the coſts; for it is a very dangerous thing for Merchants dwelling beyond the ſeas, as alſo Merchants which dwel in remote places of the kingdom, hauing their Factors at London, if they vpon any ſurmiſe or pretence of debt ſhall make any ſecret Attachment in their owne hands of their Maſters goods, either when they know ther maſter to be dead, or trauelling in ſome forreine countries vpon a long Voyage, as occaſion may fall out, and ſo by practiſe deceiue them of their eſtates, by pleading afterwards the ſaid attachment or judgement had thereupon in Barre, as beforeſaid.

Attachments to be granted vpon ſpecialties.

CHAP.

CHAP. xij.

Of Sequeſtrations and Executions.

THe Magiſtrats conſidering that abuſes may be committed many waies by Attachments, do commonly vſe ſequeſtration of goods by deliuering them into the hands of a third perſon, or taking of them into their owne cuſtodie or power; for by theſe meanes alſo are many Attachments preuented, which men would doe, if the diſpoſing of the goods or debts did come into their owne power: wherein they haue a care not to feed the humour of contentious perſons, which is meerely contrary to the courſe of trade; which is the cauſe that in the execution of their ſentences, (wherein the life of the law doth conſiſt) they do proceed *gradatim*, and if any ſuch ſequeſtration is made vniuſtly, or without cauſe, the Ciuile Law, as alſo the office of Prior and Conſuls, hereafter declared, will giue good coſts and damages.

Execution is the life of the Law.

In the proceeding of the ſaid Magiſtrates there are many perſuaſiue means vſed by them in the behalfe of the debtor with the Creditor, to bring him to a compoſition; if not, then ſome Officers are ſent to the parties houſe to keepe him as it were a priſoner; to whom he muſt giue meat, drink, lodging, and a daily fee, according to the iudges appointment, and as the matter may be of moment, to the end that by this pecuniarie puniſhment he may cauſe him to pay or ſatisfie the creditor, which is aggrauated by ſending two Officers at the firſt, then two more, and ſo ſix or eight of them, to eate him out of houſe and home; for theſe men will gnaw him to the very bones, and are therefore called Clyuers or Deuourers. But if the debtor will not endure this, but goe wilfully to priſon, then the creditor muſt finde the debtor maintenance at the diſcretion of the Iudge, who may if he will preſently put him to bread and water, which is ſeldome or neuer done: but when it is knowne that the party hath means, and will not ſatisfie his Creditor, who after the impriſonment of the perſon cannot come vpon the goods againe, according to the Common Lawes of the Realme, then hee is to be kept in *Arcta cuſtodia*, with bread and water for a time, according to the diſcretion of the Iudge. But if the Debtor be ſo poore, and notwithſtanding hath ſuch a cruell aduerſarie that will make dice of his bones, that is to ſay, to haue his Debtor die in priſon, and to hang vp a bale of dice for him in the Crowne office, as is done by the Officer in place, or the Gaoler; then hath the Law beyond the ſeas prouided ſome reliefe for this poore man: for the Cuſtome is in Germanie, France, Italy, Spaine, and the Low-countries, That no man is impriſoned for debt aboue a yeare and a day, in which time the creditors haue power to take, ſeiſe, and ſell all the eſtate of the debtor; which beeing done, or before, the woman in moſt places may claime her dower for her reliefe and children, and the reſt is diuided amongſt the Creditors as far as it will goe, and ſo the Debtor is freed from theſe debts for euer: for by the Ciuile Law, *Qui vult cedere bonis liberatus eſt à debito*, If the Debtor do relinquiſh his eſtate to the Creditor, hee is free from the debts, and all goods falling to him afterwards are his owne. But this man is euer after diſabled to come to any preferment, and ſuch a Creditor as is the cauſe of it will be hated and accounted worſe than a Iew or Pagan: for the manner of *Cedere bonis*, or to make ceſſion of goods, is very heinous and of wonderful diſgrace; ſo that moſt men will rather die in miſerie than come vnto it, becauſe it hapneth not once in twentie yeares: yet is it far inferiour to the puniſhment of the Pillorie, or the ſtriking ouer

Conſiderable Executions.

The manner of *Cedere bonis*.

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the legge vſed in Ruſſia at the creditors inſtance, whereby the debtor is ſet at libertie, and the debt paied. The partie commeth before the towne-houſe, and ſtandeth vpon a ſtone in the view of all the people, and vnlooſing his girdle, he deſires them, and all the world to take notice, that he hath nothing left him to pay his creditors, and ſo renounceth all, what may be found to be his, or what any manner of waies he might pretend: and in token thereof he may not weare his girdle any more, nor be imployed in any buſineſſe as a liuing man; yet afterwards by ſome compoſition to be made with the creditors, he may be reſtored by a declaration to bee made by ſome Officer vpon the ſaid ſtone, and then he is permitted to weare his girdle againe.

In the ſaid countries, no gentleman or man of qualitie, may be impriſoned at all for debts, his eſtate onely is lyable thereunto, and yet with reſeruation of ſuch neceſſarie things, as Honeſty, Honour, Humanity, and Chriſtianitie doth challenge: namely, the ſouldiers Perſon, his Armes, his Apparrel, Bed, and Chamber conueniently and neceſſarily furniſhed, which may not be taken for debt: and the like reſeruation is made to euerie other man of qualitie, ſo that impriſonment of mens bodies for debt (according to the common practiſe of England) is a greater burden and bondage, than is to be found in any other Chriſtian or heathen countrie.

And foraſmuch as the miſchiefe and inconueniences, ariſing to the King and common-wealth, by the impriſoning of mens bodies for debt, haue bin propounded heretofore in Parlement, by a printed remonſtrance which (like vnto a Pamphlet) may be loſt, whereby good matters are oftentimes put in obliuion, I haue thought conuenient to make an abſtract thereof, in the manner, as the ſaid reaſons are laid downe, to be inſerted in this Booke, in hope of ſome reliefe vnto decayed Merchants, whoſe Eſtates may remaine lyable to anſwer their creditors, without impriſoning of their bodies, againſt the Law of God, the Law of man, the Rule of juſtice, the Law of conſcience and Chriſtian charitie, and againſt the Practiſe of other countries, as aforeſaid, and finally againſt the creditors owne profit.

Againſt the Law of God.

The Law of God willeth and commandeth euery man to follow a vocation to doe the honour, duties, and ſeruices, owing to his Prince, and countrie, and Parents, and to maintain his wife, children and family, and to inſtruct them in the feare of God; ſo that whatſoeuer, directly or indirectly forbiddeth the ſaid Chriſtian duties in the performing thereof (by an impriſonment) is againſt the Law of God, whereupon all humane Lawes ought to be grounded. No Law of God, willeth or commaundeth impriſonment of mens bodies for debt, nor is it warranted by any example in the word of God, and the efficient means bringing men into priſon as vſurie is, appeareth plainely to be forbidden by the word of God, as hath bin noted out of the old Law, neither hath the Law of the Goſpel a word of commaund or warrant for impriſoning a Chriſtian brother for debt, but rather containeth a commaund to releiue him if hee be fallen into decay, to take care how and wherein he ſhall ſleep, to ſet him free at ſix yeares end, and then to reward him.

Exod. 22.26.
Deut. 3.19.
Levit. 25.35.
Ezech. 18.8.
Hier. 34.14.

Againſt the Law of man.

By the Law of man it was not ſo, *Ab initio:* for by the common Lawes of England, which are the moſt auncient, moſt eminent, and moſt binding Lawes, no man may bee taken or impriſoned for debt, but the creditor was to take ſatisfaction vpon the debitors eſtate of goods and lands, according to *Magna Char.* 3. *H.* 3. and 14 *Ed.* 3. although after accountants only were to be impriſoned vntill they paied, which was made generall againſt all debtors by the ſtatute of the 25. *Ed.* 3. *cap.* 17. yet priſoners in Execution, might and did follow their vocation and affaires, by baile, mainpriſe or baſton, as by the Statute of 1. *Rich.* 2. *cap.* 12. and from that time forwards, were priſoners tied vp ſhorter to the writ of *Habeas Corpus* or the Kings ſpeciall mandate, vpon ſurmiſes, that the ſaid debtors made ſecret eſtates in truſt to defraud their creditors, or were wilfull and obſtinat to pay them, being able. To anſwer theſe obiections, it is vniuſt to puniſh all promiſcuouſly, as wel frauders, as non frauders, without and before any proof made; yet if the fraud were prooued, or his abilitie and ſufficiencie either, there is no cauſe to impriſon his body, becauſe the law doth giue the eſtate forthwith to the creditor, whether the debtor will or no: ſo it is ſtill needleſſe to impriſon the body, for 20 yeres impriſonment

Habeas Corpus.

priſonment diſcounteth neuer a penny of the Debt, and yet the debtor hath ſuffered more miſerie and puniſhment than a guilty Traitor or Rebell ſuffereth for the higheſt offence.

It is againſt the rule of juſtice and Law of nature, that men equally free born ſhould be depriued of the common and equal libertie, and be giuen into the power of another without criminall cauſe or guilt. *Againſt the rule of juſtice.*

The Debtor is either puniſhed for guilt or coherſion: if for guilt, it is againſt the rule of juſtice, for to be found a debtor in the Law is no criminall guilt, and therefore vniuſt to puniſh him criminally: if for coherſion, to make the debtor bring forth his eſtate to the paiment of the debt, it is alſo againſt the rule of juſtice to inforce a man by puniſhment to do that which appeareth not to be in his power, or whereof the Law is alreadie certified that there is not wherewithall to do, according to the purport of the *Capias* granted againſt the body by the Common law.

It is alſo againſt the rule of juſtice, to thruſt all kinde of debtors into a priſon together in a heape, without reſpect to the different qualities of men, to more or leſſe guilt, of fraud or obſtinacie, or whether it be an honeſt or an vſurious debt, to more or leſſe means of the debtor, whereby he muſt liue or ſtarue in priſon, or to the holding him one or twenty yeares in priſon; for ſome are great debts for thouſands, ſome are ſmall for trifles, ſome are ſuppoſed debts not yet proued, and in truth ſome are no debts. But for certain all, or nine in ten, are vſurious debts and forfeitures, ſcarſe one honeſt debt of an hundred, but all by vnlawfull gaine vpon corrupt and deſperat aduentures. *Plutarch in Solons life.*

But it will be ſaid, that impriſonment is no puniſhment, for priſoners liue at eaſe and pleaſure, &c. according to the receiued opinion: but the miſeries and afflictions of impriſonment are inexplicable and canot be conceiued by any that haue not felt or had proofe thereof.

The antient Romans conſtrued and reputed impriſonment to be a gard or ſafe keeping of ſlaues and bondmen, but a heauy puniſhment to free-born men: and it is recorded, That the Prophet *Michah* was ſent to priſon, to be fed with the bread of Affliction.

For impriſonment is a corporall puniſhment, a griefe and torture of the mind, a long and lingering dying, and ſometimes a ſhort killing by plague, &c. it ouerthroweth a mans reputation, and deſtroyeth all that is good and deare vnto him; his kinred grow ſtrange, his friends forſake him, his wife and children ſuffer with him, or leaue him, or rebel or degenerat againſt him, and lie open to all diſgrace and villany of the world; in whoſe miſeries the priſoner ſuffers more than in his owne ſufferings. *A deſcription of impriſonment.*

Before him is the ſight of all theſe miſeries and euills, and which is not the leaſt, he lies open to euery arrow of ſcandall or calumnie that a malitious aduerſarie will ſhoot at him, which he can neither reſiſt nor auoid, becauſe he is abſent to confront them: behinde him griefe for loſſe of libertie, credit, friends, eſtate, and all good fortunes: his Baile and ſureties (who commonly are his neereſt kin or deareſt friends) lie in the power of his aduerſarie, or are already impriſoned. To ſay nothing of ill aire, ſtreit place, hard lodging, vnwholſome dyet, with the noiſe, noiſomneſſe, peſtering and fettering the body of the priſoner, as the leaſt of many euils.

Let this be weighed in the ballance of Conſcience and Chriſtian charitie, and you ſhall finde that theſe proceedings cannot ſubſiſt, for they are againſt the Law of God, and not warranted by Scripture. But to induce diuers neceſſary conſequences for proof hereof, we are to conſider how many waies any man may guiltleſly and innocently fal by the Law, be conuict of debt or damages, and caſt into priſon thereupon: *viz.* *Againſt Conſcience & charitie.* *Guiltleſly and innocently.*

By miſpriſion or ignorance of himſelfe or his Atturny, in pleading of the cauſe by careleſſe or vnskilfull Counſellors, eſpecially when falſe things are cunningly laid, or true things vncertainly laid.

By the neceſſitie of the defendant, wanting means to pay his Atturny or Councell, and by combination of the aduerſarie with the defendants Atturny, Solicitor or counſellor, or with the witneſſes or Iurors, for loue, malice, or ends of their owne.

By periurie of witneſſes, in concealing, peruerting, and miſapplying truth, or depoſing

ſing vntruth,and by ſubornation of witneſſes,jurors, or officers, in the impanelling of Iurors,and corruption of the Iudge.

By Caſualties. A man may likewiſe be diſabled and become inſolvent by as many caſualties and acts of honeſt and good intentions, and conſequently become a Debtor, and bee caſt into priſon therupon; as by ſuretiſhip,baile,or ſecuritie,for kinſmen,friends,or others; likewiſe by loan vnto them who pay not againe: alſo by falſhood of friends, ſeruants, and others put in truſt with monies,euidences,office,trade,and lands. Againe,by mouing a juſt ſuit in Law, where might, practiſe, or falſhood ouerbeareth him, or many yeares ſuit conſumeth him.

Alſo by fire,water,ſhipwrack,and ſuch like ſudden and vnreſiſtable accidents at ſea or land,by robberie of theeues and pirats.

By vnprofitable buyings and ſellings of lands,leaſes,merchandiſes,&c.

By arreſt,ſeiſures,or pretence and detriment of forrein Princes.

By ſudden loſſe of friends or maſters,on whoſe fauor any mans eſtate dependeth.

Alſo by errors in making or keeping reckonings and accounts, or by loſing or not calling for Acquittances, Bills, Bonds, Releaſes or Ingagements and Aſſurances, for Warranties,Annuities,Dowers,Iointures,Legacies,and ſuch like.

By Vſurers and Vſurie,eating vp a mans eſtate by intereſt and forfeitures, and by a multitude of other means,whereby no man is ſecured but may become a Debtor and Inſoluent.

Summum Ius. And this Law taketh no conſideration, or admits no information hereof, but in *Summo jure* giueth the whole forfeiture, without any conſcionable reſpect, and the after proceedings are ſuteable; for after judgment, though the debtor by his goods diſcharge 99 ℔ of 100 ℔ principall, yet the body is ſubiect to be impriſoned till hee pay the whole forfeiture of 200 ℔: and the words of the ſtatute are, That if hee haue no goods nor chattels, nor enough to ſatisfie the whole,his body ſhall be impriſoned for the reſt till he make paiment or agreement. *Marlebridge cap.23. An.52 H.3.&c.*

So euery way it is in the abſolute will and power of the Creditor to caſt the debtors body into priſon; when in all conſcience and equitie, if he haue no meanes to pay, hee ought to be let out of priſon, or not to be impriſoned at all, becauſe the debtors body can giue no ſatisfaction to the creditor,being in it ſelfe conſidered.

Means to pay, and yet canot. Some priſoners haue means and are willing,but cannot pay, either becauſe the preſent power of their eſtates is not in them,or in regard of the time,that they cannot ſell or receiue paiment, or in regard of the worth, for ſcarſe any will buy a priſoners lands, leaſe,or goods,at halfe the worth,or in regard of others intereſſed,without whoſe conſent he cannot diſpoſe thereof; or the eſtate is intangled with dowers, iointures,warranties,aſſurances,ſtatutes,&c. Some haue not means ſufficient to pay all, and ſome haue no means at all, and are kept in priſon becauſe they haue rich friends, who for their ſakes liue and die miſerably in priſon.

Some haue means and will not pay,of fraud and obſtinacie; but of theſe there is hardly found one of a hundred: for if that were ſo,the creditor(who ſearcheth the very reins of the debtor,and his eſtate) will rather ſeiſe and recouer the priſoners eſtate, than caſt him into priſon,where if if he die he loſeth all.

Now if an honeſt man may innocently fall in the Law by ſuch a multitude of accidents, practiſes, and errors of others, and by doing iuſt and friendly offices to others, and may faile alſo in his eſtate, and become inſoluent by ſo many waies, caſually and cauſeleſly in himſelfe, and by the fault and errors of others, and cannot be a criminall debtor but one way,which is by fraud and obſtinacie only (of which ſcarſe one example is to be found in a hundred) how can it ſtand with any charitie or conſcience to neglect and paſſe by ſo many circumſtances,and to fall vpon the debtor with ſuch crueltie,by laying ſuch a heape of miſeries vpon him, his wife, children, and reputation at once,as imprisonment bringeth.

Recouerie only againſt the eſtate. It is true,that the antient Common Lawes of England are very ſtrict in this poynt of maintaining pacts and contracts,but the contracts of thoſe times were ſimple, honeſt,and legall, and the recouerie was againſt the eſtate only; for there were no penall

Bonds

bonds known, nor vſurie practiſed by Chriſtians when thoſe lawes were made; but all our contracts and bonds, or the greateſt part, are corrupted with vſurie and forfeitures, which are extortion in a high degree: and to force men to performe ſuch with the loſſe of their eſtates, credit, libertie, and many times of life too, is moſt inequitable.

Eſpecially ſeeing the law prouides euery creditor his full damage, without help of a penall bond, which ſheweth that all forfeitures are needleſſe, and they are vniuſt alſo, for they make the vſurer iudge of his owne damage, which of right belongeth to the judgement of the Law. *The penalty of bonds vniuſt.*

But it will be ſaid, that the Chancerie doth mitigate the hardneſſe and rigor of the law in vſuries for forfeitures, and that wrong judgements may be reuerſed by Attaint, Errors, *Audita querela, &c.*

The anſwer is, That the remedie is worſe than the diſeaſe; for all courſes of reliefe by Law in Chancerie, are hard, tedious, vncertaine, long, and extreme chargeable; and it is a lamentable caſe, that when the debtor is vniuſtly or vnconſcionably caſt in the law, ſtript of his eſtate, his body impriſoned, his libertie tied vp, his credit deſtroyed, and his friends baniſhed; then to ſend him ſo diſabled, to ſeeke remedy by new ſuits in Chancery, which are chargeable aboue meaſure: and with the ſame extremity doth the ſtatute of *Bankrupts* deale with the poore debtor, as heretofore hath bin declared.

That priſoners are compaſſed with a multitude of ineffable miſeries and heauy afflictions, and therefore ſome canot chuſe to become weake in faith, ſtaggard or deſperat, when there is no man to ſpeake a word of comfort in due ſeaſon, appeareth by the miſerable ends of many deſperate perſons, whereby one with ſhame and diſtemper loſeth his ſence and dies, another for want and pouertie periſhed; one with feare & griefe breaks his heart outright, anothers heart that cannot breake, the diuel is ready to teach him deſperatly how to make away: one vncharitably flies from his keeper, another deſperatly aduentures his life to breake priſon, and finally many are careleſſe and giuen to all vices. For Faith is rightly compared to a Lamp, which muſt haue oile continually to maintaine it's light, or otherwiſe is ſoone extinguiſhed. So doth Gods Word maintain faith by continuall preaching, wherof priſoners are deſtitute for moſt part. *Faith compared to a lamp.*

Some men wil excuſe the vnconſcionableneſſe of the Law, alledging that in ſeiſing the debtors body and goods, and giuing way to vſuries, forfeitures, and corrupt bargains, the Law doth no more than the debtor himſelfe hath contracted vnder his hand and ſeale: and *Volenti non fit injuria.* Whereunto it is anſwered, *Objection.*

1 Firſt, That the guilt of the Law canot be ſo waſhed off, for in debts where there is no contract vnder the debtors hand and ſeale, the Law giues the debtors goods, and his body into priſon at the Creditors will. *Anſwer.*

2 That the debtor is not *Volens*, for it is againſt euerie debtors will to pay Vſurie or forfeiture; but he is preſſed thereto by his own neceſſitie on the one ſide, and by the creditors vncharitable will on the other, who will not lend but for vſurie & forfeiture.

3 The common ſaying, *Volenti non fit injuria*, is a falſe poſition, elſe is it lawfull to kill a man that is willing to die, which is abſurd; for the will or conſent of the party to an act that is in it ſelfe vniuſt, canot make the act iuſt, nor iuſtifie the actor.

It is alſo objected, That if mens bodies may not be impriſoned, how ſhal they recouer their debts?

Anſwer. Vpon the debtors eſtate onely, as this kingdome did heretofore, and other kingdoms do now, and therefore let the creditor ground his truſt thereupon, and truſt thereupon, and truſt no further than the creditors eſtate, for thence onely can hee haue true ſatisfaction. It is replied, That there will be no more credit giuen if mens bodies may not be impriſoned, and conſequently trade and commerce will decay. Anſw. Honeſt trade, honeſt contracts, and honeſt truſt will notwithſtanding be as plentifull; for while there is the ſame vſe, neceſſitie, and profit by commerce, there muſt needs be the ſame effect. True it is, That vſurious contracts will be more relatiuely made to euerie mans eſtate, credit and honeſtie, as they did in the times of the old Law and of the Goſpell, and yet do in politique gouernments.

It is againſt the creditors own profit, for all means of ſatisfaction muſt ariſe either out *Againſt the Creditors own profit.*

out of the debtors credit, out of his labour and induſtry, out of the wil of his friends, or out of his own eſtate; and all things that depriue or diſable the debtor in any of theſe, do weaken and leſſen his means, and conſequently tend to the Debtors prejudice and diſaduantage. Herein it is not needfull to rehearſe all the former miſeries decreaſing the debtors eſtate: for daily experience proueth, that many creditors haue offered at firſt to pay the principal debt, or halfe, before they were caſt in priſon, which afterward by more troubles and charges comming vpon them, were diſabled to pay any thing: how prepoſterous and abſurd is it then to caſt the debtors body into priſon, where his eſtate is waſted, his credit ſpoiled, his fortunes and vertues loſt, his body afflicted, his life conſumed and murdred, and whereby the creditor bars himſelfe from all remedie againſt his eſtate for euer?

The conſideration whereof makes the debtor to retain in his hands what he can, to maintain himſelfe, his wife and children, and to keep them from periſhing, which maketh alſo againſt the creditors profit.

To the prejudice of the king and common-wealth.

The body of euery ſubiect belongeth to the King, and euery ſubiect is a member or ſingle part of the body of the Commonwealth, ſo that to take this body and caſt the ſame into priſon for debt, where he muſt lie rotting idlely & vnprofitably all the daies of his life, and die miſerably, is no other than to robbe the King and Commonwealth of their limbs and members, and conſequently of the ſeruices and endeauors of a great number of ſubjects yearely, of all degrees and profeſſions, to do ſeruice to the king and Commonwealth; which number of priſoners exceeds all the priſoners in other places.

It is therefore in Chriſtian charitie wiſhed, and in all godly policie deſired, that the bodies and indeauors of all debtors may be free from impriſonment, and the creditors recouerie be made againſt the debtors lands and goods, according to the antient fundamental lawes of this kingdome, being moſt conſonant to the law of God, to Chriſtian charitie, to the rule of juſtice, and to godly policie, as aforeſaid: And that *Interim*, the reliefe of priſoners may be permitted, which the late Queen *Elizabeth* granted, *An.* 28 of her reign, for her and her ſucceſſors, by a large Commiſſion recorded in the high court of Chancery; the exemplification whereof was by all priſoners for debt humbly deſired.

Many other reaſons are alledged in the ſaid remonſtrance inuectiue, againſt Vſurie and Vſurors, which I haue omitted; and hereunto let vs adde certain obſeruations in generall concerning executions.

¶ *The Law is ſaid to be a mute Magiſtrat; but the Magiſtrats are a liuing Law.*

THe ſtrength of the Law is commanding, and the ſtrength of commanding is in the conſtraining or executing of the Law, which belongs to judges and Magiſtrats. The conſideration hereof did produce a diuerſitie of opinion, whether Iudges or Magiſtrats ought to be for a time or for terme of life, the often changing of them being according to the cuſtome of the Romans, who did inſtigate men to accuſe thoſe that had not diſcharged the place of their office duly, wherby wickedneſſe was not only puniſhed, but alſo euery man through emulation did endeauour himſelfe to follow vertue, and to diſcharge the place of his calling. Beſides, whereas vertue in all Commonweales is the principall point whereat men aime, and whereto the Law doth bind them; ſo the diſtribution of offices is a reward of vertue, which canot be done to many, when they are giuen in perpetuitie to ſome few, which many times hath beene the cauſe of ſedition, by the inequall diſtribution of rewards and puniſhments in ſome Commonweals. True it is, that there are many inconueniences if the officers bee but for one yere or a ſhort time, to the hinderance of the publick good; for they muſt leaue their place before they know the dutie of it, and commonly vnto one that is but a novice in the place, whereby the affaires of the commonwealth fall into the gouernment of ſuch as are incapable thereof, and without experience. And if they be fit for the place, their time is ſo ſhort that it vaniſheth away in feaſts and pleaſures, and matters either publique or priuat doe remaine vndecided, and euery thing protracted without

Cuſtomes of the Romans about execution of lawes.

Inconueniences of yearely officers.

due

due administration of justice; besides, how is it in common sence and reason possible, that he should command with the effectuall power of a magistrat that within a little while is as it were a cipher, without power or authoritie? what subiect will yeeld him due respect and reuerence? whereas on the contrary, if his office be perpetuall, and his estate assured, he is resolued boldly to resist the wicked, to defend the good, to reuenge the injuries of the oppressed, and euen to withstand tyrants, who many times haue bin astonisht to see the constancie of the judges and magistrats in the execution of justice according to law: and herein is the common law excellent, because the judges & Magistrats are authorised accordingly for term of life, as the dignity of the place requires and are also chosen with great solemnitie, in regard of their integrity, knowledge, and experience in the lawes, wherof they are the ornaments: wheras to cal the yerely judges in question after their time expired, is a derogation and dishonor to the lawes in other countries.

Commodities had by Iudges permanent.

The Sherifs and many other officers which put in euery county the writs, commandements, and judgements of the courts in execution, are remoued euery yeare, and the same being expired, they may be called to account to answer to any misdemeanors by them committed during their office, by the ordinary course of the law, which maketh them vigilant and circumspect in the execution of the places they supply, either personally, or by deputies, for whose offence they must answer.

Subaltern Officers annuall.

This authoritie and seuerity of the Iudges therefore doth preuent many mischiefs, putting a feare in the hearts of the offenders of the law by the rigor thereof, which in criminal cases is called by some crueltie. But the merciful judge is more to be blamed in these cases than the seuere, because seueritie makes men obedient to the laws, wheras too much lenitie causeth contempt both of lawes and magistrats. Neuertheless, as there is in all commonweales two principal points which the Magistrats are to consider, namely law and equitie, so the execution of Law is to be considered by the Magistrat, who somtimes being too seuere, may do more hurt to the Commonwealth than good; seeing the intention of those that made the Law was to prouide for the good of the commonwealth, *Salus populi suprema lex esto.*

Lawes intention is the commō good.

This may be said especially in regard of the statute lawes, wherof we haue example of *Empson* and *Dudly* fresh in memory, who being priuy counsellors to *Henry* 7. caused the penal lawes to be strictly executed against his subiects, wherby the king gathered much treasure, with the losse of the loue of his subiects, which much displeased him, as the Chronicles of this realm haue recorded. Because there is nothing so effectuall to cause the prince to be called a tirant, as this course of strict execution of laws, which hath affinity with the saying of *Nicolas Machiavel* somtime secretary to the great duke of Tuscanie, touching the condition of men in generall: *It is miserable that we cānot do all things; more miserable to do that we would do; and most miserable to do that which we can do.*

The saying of *Machiavel.*

Informers neuertheles are necessary members in a commonwealth, for maintenance of lawes, which otherwise would be fruitlesse, or made as it is said by some, *propter terrorem*; for preuention whereof it is very commendable to preserue this life of the Law, consisting in execution, which was the cause that commissioners haue bin heeretofore appointed to retain men in their duties; as the Nomophilats in Greece, the Censors among the Romans, the Ephores at Lacedemon, the Areopagites at Athens, the Visitors in Spain, and the Commissioners of Troyle, the Baston in the time of *Edw.* 1. For all humane actions are so flexible to euill, that they had need haue a continual remembrancer to vertue, for the conseruation of the publique good.

Commissioners to retaine Officers in their duties.

If we will make a comparison between the execution of criminall causes and ciuile, we shall in a maner find the same to be all one effectually, for the generall manner of death imposed by the law is hanging, where in other countries they haue diuers manner of executions, according as the fact is heinous. Murder, being a great offence, hath in all ages been punished with death; but stealing of goods was alwaies taken to bee much inferior, because the Law of God did not punish the same by death, as is now vsed; and yet a death by sudden execution, is better than a lingring death by famine, imprisonment, and other aduersities before remembred.

The effect of the Kings Prerogatiue royal (to be mercifull euen when Law hath had her full course, is to be seene rather in causes Ciuile than criminall, and that in the reliefe of poore distressed prisoners and others; seeing the mercy of God (whose Lieutenants they are on earth) is aboue all his workes: which maketh me to remember an error of the common people, who thinke the justice and mercy of God to be contraries; for if they were they could not be in God, because the God-head being but one, and alwaies like it selfe, cannot admit contraries, and contraries they cannot be, being both vertues, whereas no vertue is contrary to vertue, but only opposit to vice. So that (respecting the Kings Prerogatiue in criminal causes, when the Law hath determined death or punishment by perpetuall imprisonment or banishment) the King, imitating Gods mercy, doth restore life, freedome, and libertie, much more may the King do the same in ciuile causes, when the Law commandeth imprisonment vntill satisfaction be made of the judgement, giue libertie and prolongation of time, as hauing an interest in the persons of his subjects, as we haue obserued. I haue herein beene the more ample, because it concerneth the life of many honest men, &c.

Iustice & mercie in God are not contraries.

CHAP. xiij.

Of the Denization and Naturallization of Merchants.

THe maner to make merchant strangers, artificers, or handy-crafts men to be Denizons or naturalised, was in times past without any difference; and they did enioy the like libertie and priuiledges, and were most commonly made by his majesties letters patents vnder the great seale of England, by his Highnesse Prerogatiue royall, whereby they did enioy all the freedome and immunities that naturall Subjects do enjoy, and were so reputed and taken by the Lawes of the realme, vpon their oth made in Chancerie, of their allegeance to the King and to the commonwealth. But the same was afterwards called in question, vpon the misdemeanors of some forgetfull persons, and then Denizons were made to pay customes to the King as strangers, howbeit they might buy leases and houses as English borne subjects, and their children here borne should be free, and pay but English custome for goods imported and exported, & may become freemen of London, and buy cloath in Blackewell hall and all other Markets whatsoeuer, and transport the same where it pleased them, albeit that the Merchants Aduenturers haue infringed the same. Neuertheless (some priuiledge to pay English custom, being granted to some particular Merchants, by the Princes prerogatiues by Letters patents vnder the great Seale) it came to passe that these were named naturalised, which might be placed in offices, as justices of the peace and *Quorum*, high sherifs of counties, and other places of dignity, and came to be made Knights and Baronets, and some of them buying lands and leases, made great purchases, married their daughters to diuers gentlemen and others, did also sell lands again, and bought other lands; which buying and selling of land did require some assurances to be made, and therein some Lawyers were of opinion, that by the law the said assurances were not of sufficient validitie without an Act of Parlement, and then the Acts of Naturalization were made: but the making of Denizons was alwaies continued by the Kings Letters Patents onely, and they are not subject to the statute of Emploiment, albeit they pay strangers customes, and diuers other charges which the natiue subjects do not pay, of which Merchants are to take notice.

Naturalised distinguished.

Denizens not subiect to the Statute of imployment.

No stranger which is a mechanicall person is much inclined to be a natural subject by Act of Parlement, because of the charge of it, which might be about 30 ℔, albeit foure

foure or fiue perſons may join together by petition to the Parlement, and haue one act for them all, the form whereof is commonly as hereafter followes. And here note that a merchant is in no danger if he be neither Denizon nor naturaliſed, but may deale, traficke and negotiat at their pleaſure, but he may take no leaſes nor buy lands.

IN moſt humble manner beſeech your moſt excellent Majeſtie, your humble & obedient orators *I.L.* of Florence, your Majeſties ſeruant *T.M.* &c. *R.B.* and *M.Q.* That whereas the ſaid *I.L.* the ſon of *A.L.* and *L.* his wife ſtrangers, were born at Florence in Italy, in the parts beyond the ſeas: and whereas, &c. And whereas *M.Q.* being the ſon of *M.Q.* and *C.* his wife born at Bruges in Flanders, in the parts beyond the ſea in lawfull matrimonie, and hath for the moſt part theſe 20 yeares remained and made his abode in London, within your Majeſties realm of England, during which time he hath demeaned himſelf faithfully and dutifully toward your Highneſſe, & your lawes; yet for that both he & the reſt of your Majeſties orators were born in the parts beyond the ſeas, they canot take benefit of your Majeſties lawes, ſtatutes, and cuſtoms, or your Highneſſe realm of England, as other your Majeſties ſubjects born within this realm, to their great prejudice, loſſe and hinderance: It may therefore pleaſe your Highneſſe, of your moſt noble and aboundant grace, that it may be ordained, inacted, and eſtabliſhed by your Highnes, the Lords ſpirituall and temporall, and the Commons of this preſent Parlement aſſembled, and by the authoritie of the ſame, that your Majeſties moſt humble petitioners, *I.L. T.M. R.B.* and *M.Q.* and euery of them, ſhal from henceforth be adjudged, reputed, and taken to be your Highnes naturall ſubjects, and as perſons naturally and lawfully born within this your Majeſties realm of England, & alſo that they and euery of them ſhall and may from henceforth be inabled and adjudged able to all intents and conſtructions, to demand, challenge, aske, haue, hold and enjoy lands, tenements, hereditaments and rents, as heire or heires to any of their anceſtours, by reaſon of any deſcent, remaine, reuert, or come to them or any of them by any other lawfull conueiances or means whatſoeuer, or which hereafter ſhal come, &c. as if they and euery of them had bin your natural ſubjects born; and to hold and enjoy to them and euery of them jointly and ſeuerally, lands, tenements, and hereditaments or rents, by way of purchaſe, gift, grant or otherwiſe, of any perſon or perſons to all conſtructions and purpoſes, as though they and euery of them had bin your highnes natural born ſubjects: and alſo that they and euery of them from henceforth may and ſhall be enabled to proſecute, maintaine and avow, iuſtifie and defend all manner of actions, ſuits, plaints, and other demands whatſoeuer, as liberally, frankly, fully, lawfully, ſurely, and freely, as if they and any of them had bin naturally born within your Majeſties realme of England, and as any other perſon or perſons naturally born within the ſame, may in any wiſe lawfully do; any Act, law, ſtatute, proviſo, cuſtome, ordinance, or other thing whatſoeuer had, made, ordained, or done to the contrary in any wiſe notwithſtanding: And your petitioners ſhall daily pray for your royal Majeſtie long in honor and moſt ſafety to reign ouer vs.

The manner of proceeding in Parlement.

This Petition in nature of an Act of Parlement is deliuered to the Speaker of the Parlement, who vpon the ſecond reading in the Commons houſe, procureth the ſame to be referred to certain committees, before whom the petitioners do appeare, & after examination, if there be no apparant cauſe that might croſſe them, the bill is returned into the Parlement, and read for the third time, as the maner is of all Acts, and then it is caried vp to the Higher houſe, and there it is commonly of courſe alſo read 3 times, and ſo allowed, and there it doth remain vntill the laſt day of the ſeſſion of Parlement, and then the Kings royall aſſent is had thereunto, and there is written on the backſide or within, theſe words, *Le Roy le veult*: and if it be an Act which the King wil not paſſe, the Clerk of the Parlement writeth, *Le Roy S' aduiſera*, which is a clean and abſolute refuſal, and all which was done is void, and canot be reuiued in another Parlement, without to begin all from the beginning again. So much for England.

In France all ſtrangers that are not born within the kingdom, and reſide and dwel in the

Aubeine in France.

the ſame,are ſubject to the right of *Aubeine*, ſo called, *Tanquam, Alibi nati* ; for after their death (if they be not naturalized) the King doth ſeiſe vpon all their goods they haue in France,and appropriateth the ſame to his Exchequer or finances;without that the ſaid ſtrangers can diſpoſe thereof by teſtament or will, or that their lawfull heires can claim the ſame,howbeit they may giue them, and diſpoſe thereof while they liue, by contracts made between them. A ſtranger alſo not dwelling within the realm,yet hauing gotten wealth or means within the ſame,may diſpoſe of it vnto his heires and others,although they were ſtrangers. Alſo if a ſtranger trauelling through the Kingdome of France ſhould chance to die, his heires ſhall enioy the goods which hee left at the time of his deceaſe in France.

But when a ſtranger taketh letters of naturalization, then may he get wealth & poſſeſſions within the realm lawfully and freely : which letters of naturaliſation muſt be recorded in the Chamber of Accounts,vpon paine of a penaltie paid to the King, and his lawfull heires ſhall enioy the ſaid poſſeſſions and goods ; ſo as he be nature of the realme,or any other to whom the ſame be giuen by will or teſtament, ſo as hee alſo be naturaliſed at aforeſaid.

But *Monſieur Papon* the Civilian ſaith, That it is not ſufficient for one to enioy the ſame,to be born within the realme,but it muſt be alſo a woman taken in mariage within the Realme : and hereupon alledgeth an arreſt or ſentence of the Parlement of Paris, whereby a coſin of a ſtranger deceaſed was preferred before the ſiſter, as beeing borne in the realm,and dwelling in the ſame,and the ſiſter did not dwell within the realm,albeit ſhe cauſed her ſelfe to be naturaliſed after the deceaſe of her brother,whereof the Court had no regard,becauſe the goods by ſucceſſion were gotten before,which could not be made void by the Kings letters patents. *Monſieur Banquet* is of opinion, That a French man being departed the kingdome,to dwell in another country,his goods preſent and to come do appertain vnto the King,and canot diſpoſe thereof by will or Teſtament,as it hath bin proued by diuers decrees of parlement. The King is lord of all vacant goods,and therefore wiues and children are to take letters of Naturaliſation to purchaſe their quietneſſe. And if any ſtranger borne and naturaliſed, ſhould be out of the kingdome ſome 8 or ten yeres vpon ſpecial occaſion or otherwiſe, he muſt take at his return new letters of naturalization, or confirme the former by ſome approbation.

An obſeruable conſideration.

And herein note a ſpeciall point as a matter of record, That thoſe of Flanders, Millain, & the French county of Savoy are not bound to take letters of naturalization to dwell in this kingdome, becauſe the French Kings pretend that the ſaid countries are theirs,and were neuer alienated by their conſent,but are Countries which at all times haue belonged to the crown of France, who doth acknowledge the ſubiects to be true and loiall Frenchmen. But it is requiſit if they come to dwell within the realme,that they take letters of Naturaliſation,to the end the officers do not moleſt them.

By the premiſſes we ſee,that the naturaliſation in France is far more compulſory for Merchants than in England;howbeit that in both kingdomes,if a ſtranger naturaliſed (after many years that he hath inhabited the ſame)be deſirous to returne to his natiue country,he may ſurrender his letters patents,and be diſcharged of his oath.

Chap. xjv.

Of the determination of Sea-faring Cauſes.

THus hauing hitherto intreated of the Cuſtoms of Merchants, with their adjuncts and accidents,and therein obſerued time, number, weight and meaſure, as alſo the three Simples and eſſentiall parts of traffique,with their effects and properties ; let vs now conſider of the manner and method of the proceedings

proceedings therein, to ſee by what means they are determined and executed; for in the execution conſiſts the life of all Lawes, and the perfecting of mens actions which aime at ſome certain end. For it hath bin well obſerued by ſome, That the actions of a wiſe man and a foole differ in this, That the wiſe haue regard to the end in what they vndertake, and the foole without conſideration permitteth the end to manifeſt it ſelfe: whereof ignorant men judge according to the euent, although the enterpriſe were neuer ſo aduiſedly taken in hand, and as if the ſucceſſe did not depend vpon the Divine power, to be guided by his prouidence. Differences betweene the actions of a wiſe man and a foole.

The determination of all cauſes and controuerſies, eſpecially of merchants affaires, is done and executed as followeth:

1 Concerning ſea-faring cauſes, which are determined according to the ſea lawes already written, and in the premiſſes abridged, we ſhall in this chapter briefly declare the manner of it. Foure meanes to end controuerſies.

2 The ſecond means to end controuerſies, is by arbitrators choſen and elected by both parties to end their differences with breuity and expedition, to auoid ſuits in law which vnto Merchants are inconuenient.

3 The third mean is the authoritie of Prior and Conſuls of Merchants for the Merchants Courts, according to the priuiledges which Princes haue granted to them for the aduancement of their traffique and maintenance of their cuſtome, wherof moſt Iudges are either ignorant, or contented to determine matters accordingly.

4 The fourth and laſt mean to determine queſtions and differences is by the Ciuile or Imperiall Law, or the common Law of the kingdome or juriſdiction of the ſeuerall dominions of Princes, according to the fundamentall Lawes of them; wherein we are eſpecially to obſerue, That the Law-Merchant is predominant and ouer-ruling for all nations do frame and direct their iudgments thereafter, giuing place to the antiquitie of Merchants cuſtomes, which maketh properly their Law, now by me methodically deſcribed in this booke, which alloweth to euery man and nation his proper right and due, and hurteth no man, according to the three generall parts of all lawes ſet downe by *Caius*, and after him by *Tribonianus*, namely, *Honeſtè viuere, alterum non lædere, & jus ſuum cuique tribuere*, whereof the ſecond trieth and ruleth the two other, whereof more hereafter. Three precepts of all Lawes.

Touching the firſt mean to determine ſeafaring cauſes it ſhall not be needfull to ſpeake much of the definition of an Admirall at the ſeas, called by the Romans *Magnus Dux Claſſis*, and *Drungarius magnus*, or *Admiratus*, from *Amiras* a word vſed by the Spaniard, to ſee, or *Adelantado*, as going before the reſt of the ſhips; alſo by the Italians *L'amiraglio*; or Admirall in French, becauſe his calling is knowne to all. An Admirall.

But let vs obſerue, that for the readier obedience to the great Admirals of the ſeas, it is agreed by the common conſent of all nations, that they ſhould haue (in regard of their power ouer the liues of men) a ſoueraigne juriſdiction only proper to themſelues in all ſeafaring cauſes and debates ciuill and criminall, ſo that no other Iudge ſhould meddle therewith; and the Iudge of the Court being his deputie, judicially to decide them by the Advocates and other Aſſiſtants, for the better and juſt proceeding of the ſaid Court. Alſo the Admirals clerk is very neceſſarie, and herein it hath bin thought conuenient, that all Proctors or Atturnies of that Court ſhould take their oath before they be heard, that they ſhall do nothing malitiouſly, but ſo ſoon as they find their action to be vnrighteous in any part of the proces, they are to tell it to their Client, and if the Client will inſiſt, then to ſhew it to the Iudge. Alſo that they ſhall not reueale their Clients ſecrets to the aduerſarie: and laſtly, That they ſhall not propound, delay nor be peremptorie againſt their conſciences; and the like oath is to be taken of other officers at their admiſſion. The Admirals Court. Aduocates & Proctors, &c. The Proctors oath.

The cauſes to be determined in the Admiraltie Court do extend very far, and many are otherwiſe decreed or determined, eſpecially by the Merchants courts, and Offices of Aſſurances, whereas heretofore the Iudges of the Admiraltie did miniſter juſtice vpon all Complaints, Contracts, offences, pleas, exchanges, aſſurances, debts, accounts, charterparties, couenants, & all other writings concerning lading & vnlading of ſhips, fraights, Cauſes to be determined by the Admiralty

fraights,hires,monies lent vpon hasard of the sea,and all other sea-faring busines done on the sea or beyond the sea,with the acknowledgement of writs and appeales from other Iudges,letters of repriſall or mart to arreſt and put in execution, to inquire within and without liberties,by the oathes of twelue men,vpon all offences and treſpaſſes, and namely,

Firſt, touching the reuealers of the King and country their ſecrets ouer ſea, eſpecially in time of war.

Againſt pyrats, their aſſiſters or abettors,out-readers or receiuers.

Againſt fortifiers of the Kings enemies,and harmers of friends.

Againſt the breakers of the Admiralls arreſts and attachments.

Againſt goods forbidden,and merchandiſe not cuſtomed,and yet tranſported.

Againſt the reſiſters of the Admirals officers in executing his precepts.

Againſt Foreſtallers,Regraters,and dearthers of corn and victuals,&c.

Finally,againſt tranſporters of traitors,rebells,maniteſt tranſgreſſors, and fugitiues from iuſtice,or caſters of ballaſt,ſand,or any other thing in harbors and chanels, extortioners by ſhips and boat-wrights, for taking away the boigh from the anchor,cutters of cables or towes, falſe weights and meaſures by ſea,ſhedding of other mens bloud at ſea,or in any port,or lamed by miſdemeanor,cuſtomers and water Bailifs taking more cuſtome or anchorage than they ought,for abſenting from muſterings in time of war, for all tranſgreſſions committed by ſea-men,ferry-men,watermen,fiſhers,pilots,ſhipwrights, preſt men containing the Admirals authoritie , and to amerce them for his owne benefit ; the goods of Pyrats,felons,capitall offendors, their receiuers, aſſiſters, attainted,conuicted,condemned and outlawed,Waiſe and ſtray goods,wrecke on the ſeas,and caſt goods,*Deodando*,that is to ſay the thing, whether boat or ſhip, &c. that cauſed the death of a man,or whereby a man did periſh,ſhares,lawfull prizes,or goods of the enemy,or *Lagon*,*Floatſon*,and *Ietſon* before declared,with the anchorages, beaconages,ſwine,ſturgeon and whales caſt on ſhore,and all fiſh of extraordinary greatneſſe, called Regall:of all theſe the Admiral hath authoritie to deale, correct,and puniſh according to their deſerts,and the lawes prouided for the ſame by ſtatutes inacted, and all other lawes and means before declared.

Beacons to giue light on the ſeas.

The Admirals clerk ought to be very skilfull and honeſt, and is to haue diuers Regiſters for congees,ſafe conducts,paſports,ſea brieſes, without which no ſhip in time of war is to paſſe,nor yet in far voiages in time of peace ; another regiſter for the true knowledge of captains and maſters of ſhips,and their return ; a third Regiſter for the names of Merchants,paſſengers,and owners, which the maſter ought to deliuer vp to haue them inrolled,and all pilots names (although recorded in the office called the trinity houſe)ought to be ſet down and known to the Admirals clerk;alſo all mony deliuered vpon haſard or bottomary,called *Fœnus nauticum*,or *pecunia trajectitia*.

The Regiſters of the Clerke.

Now the maner of proceeding in ſeafaring cauſes is according to the Lawes aforeſaid,or the cuſtomes written ; and if the debate or cauſe canot be determined thereby, the laſt refuge is , according to the opinion of skilfull and vpright men in their owne trading ; but all this muſt be done (as the law ſaith) *Velo levato*,ſo briefey and ſummarily without the ſolemnitie of other ordinary courts and judgements, only looking to God and the truth,and all complaints to be ended inſtantly,eſpecially ſhipwrecke;for it were a crueltie to vex ſo miſerable perſons with tedious proceedings : whereupon in this caſe the judges may proceed to execution vpon euery interlocutorie,and make reſtitution preſently,vpon good caution to be giuen to ſatisfie the appellation,if any be made. And herein there is a further priuiledge to them ; for whereas by the common rules of the Law,where no litiſconteſtation is paſt,or as we ſay,bill and anſwer depending,no Witneſſe ſhould be receiued,*niſi ad eternam rei memoriam*,*ac adverſario ad id citato*,yet in ſhipw reck (as a caſe to be commiſerated) any of the ſhip-broken men may come to the Iudge of that part where the wreck happens,and by witneſſe brought with him may make proofe.

The maner of proceeding.

Extraordinary priuiledge.

And as this is an extraordinary priuiledge,euen ſo may merchants alſo and Maſters ſailing together, beare witneſſe each one to other of their ſocietie within the ſhip, if they

they haue neither to loſe or gaine thereby; and eſpecially Mariners for or againſt the Maſter, when the voiage is ended, and they free of his commandement. For by conſent of the Doctors, when truth cannot otherwiſe be tried, then vnable perſons may be heard. And to the end that trade be not interrupted by vexation of quarrelſome perſons, it is prouided, that not only the common caution, *Iuditio ſiſti, & judicatum ſolui* be kept on the part of the defendant; but alſo that the plaintife or purſuer ſhall finde caution *de expenſis ſoluendis*, if he faile in proofe. Ordinary priuiledge.

Likewiſe if the party do not appeare to defend himſelfe or his ſhip after three Citations, or foure at the moſt, called *quatuor defaltæ*, he is taken for contemptuous. The Iudge may ordain the Marſhall or Officer to put the Plaintife in poſſeſſion by his ſentence of *Primum Decretum*: prouided that if the party appeare within the yeare, and pay the coſts and expences, he ſhall be admitted and heard vpon the propriety: and in like manner, if any attachment be made vpon the ſhip or goods, it ſhall vpon caution giuen ſummarily be heard and determined; for this Law of Admiraltie intendeth nothing but expedition, for the better aduancement of traffique and commerce.

CHAP. XV.

Of Arbitrators and their Awards.

THe ſecond mean or rather ordinarie courſe to end the queſtions & controuerſies ariſing between Merchants, is by way of arbitrement, when both parties do make choiſe of honeſt men to end their cauſes, which is voluntarie and in their owne power, and therefore called *Arbitrium*, or Free-will, whence the name Arbitrator is deriued: and theſe men (by ſome called good men) giue their judgements by awards, according to equitie and conſcience, obſeruing the cuſtome of Merchants, and ought to be void of all partialitie more or leſſe to the one and to the other; hauing onely care that Right may take place according to the truth, and that the difference may be ended with breuitie and expedition: inſomuch that he may not be called an arbitrator, who to pleaſe his friend maketh delaies, and propagateth their differences, but hee is rather a diſturber and an enemy to juſtice and truth; wherefore the maner to elect arbitrators is worthy the obſeruation. Some are contented to name foure or ſix perſons on either ſide in writing, and refer the naming or electing of foure out of them by reciprocall proceeding, when one named the firſt perſon, another the ſecond, and then again the third, and the other the fourth perſon. Others putting ſeuerall names in a paper, are contented that a meere ſtranger ſhall vpon the back ſide of the paper pricke their names with a pin, or that (as they are numbred) the dice ſhall be caſt vpon them, accordingly by the number. The maner to chuſe arbitrators.

Others put their names in ſeuerall papers, and cauſe them to be mingled & drawne by way of lot, by an indifferent perſon, which courſe may be thought allowable, as we haue noted in the chapter of diuiding of commodities by lots.

Others will do the ſame by nomination of them, and drawing the longeſt or ſhorteſt ſtraw, or by any other extraordinarie means of pointing, numbring, or deſcribing, al tending to one end, to haue indifferencie, and that partialitie may by al means be auoided.

Conſideration muſt be had alſo, whether two, three, or all foure ſhall haue authority to determine the cauſe, if they can, to be done within a limited time, wherein their award is to be deliuered vp, and whether they may name an Vmpire or not. All which muſt be declared in the Bond of Compromiſe, vnleſſe the queſtion be onely vpon one Awards are to be giuen vnder hands & ſeals.

point to be determined, wherein no Bond is needfull but by way of assumpsit, by deliuering a piece of coin each to other, and thereby binding themselues reciprocally vpon the penaltie of a sum of mony to stand to the iudgement, it is ended.

And the said penaltie or forfeiture by assumpsit may be recouered by law and the Merchants Courts, as well as the forfeitures vpon Bonds, if the party do not performe the sentence or award, if the award be lawfully made: to which end Arbitrators are to take notice of the fiue points following, which by the Law do make void all awards.

Fiue points to be obserued in awards.

1 That the award be giuen vp in writing within the time limited, by the bonds of Compromise made between the parties.

2 That there be limited or appointed by the Award some reciprocall act to bee done by each party to other, which the Law requireth to be *Quid pro quo*, albeit neuer so small.

3 That they make a finall end, and do determin vpon all the points or differences produced before them by specification or otherwise, if they be required so to doe, and authorised thereunto.

4 That they do not award any of the parties to do or performe any vnlawfull act, or thing prohibited and against the law.

5 That they do not award any thing whereby any matter already determined by Decree in Chancerie, or judgement at the Common Law, or any sentence judicially giuen in the cause, be infringed or medled withall.

These points ought to be obserued for the reasons following. For touching the first, if the award be not deliuered vp in writing vnder the arbitrators hands and seals, if the condition of the Bond doe so limit the same; then haue they no authoritie to doe the same after the time limited vnto them by consent of the parties.

The reason of *Quid pro quo*.

For the second point, Reason requireth in all humane actions a reciprocall act from one man to another, by deed of performance, called *Quid pro quo*, although it were a mans salarie for his paines; which in some cases causeth men to award, that each party shall pay so much to the Scriuener or Notarie for writing the said award: but this is no collaterall act between the parties, neither is it any matter compromitted to the arbitrators; it is therefore better to expresse and award, That each party shall seale and deliuer either, generall acquittances each to other, or with some exceptions therein, as the award will leade them.

The third point is considerable, where the differences are by both parties, or either of them, deliuered in articles in writing to the Arbitrators; for herein it is not sufficient to say, That the said arbitrators shall haue power and authoritie to determine all questions, differences, doubts, controuersies, matters of accounts, reckonings, or any other vsuall or generall words, from the beginning of the World vntill the date of the Bond: but they must giue their award vpon euery particular article and vpon them all.

The fourth point, That the Arbitrators do not award any thing which is vnlawfull, is to be vnderstood of all things which are euill in themselues, called *Malum in se*, and of things called euill, because they are vpon some respects and considerations prohibited, and therefore termed *Malum prohibitum*; as the wearing of hats at all times, transportation of corn, eating of flesh in Lent, and the like, wherein there is a further consideration which requireth a distinction. As for example, an arbitrator or many Arbitrators do award, that a sum of money shall be paid to such a man during all the time he is vnmaried, is good in Law; but to bind the party by award that he shall not marry, because he should enioy the mony still, is vnlawfull, and void by the Law.

A notable good distinction in Law.

The fift point is of very great consequence, to bind the actions of men to the obedience of the Law, whereunto such reuerence is due, that decrees, judgements and sentences of judiciall Courts of Record are alwaies of an higher nature than Arbitrators awards. Neuertheless in many doubtfull questions the Ciuilians themselues (after long and curious debates) do assigne them to be determined by arbitrators hauing skil and knowledge of the Customes of merchants, which alwaies doe intend expedition. And that is the cause wherefore an Vmpire chosen vpon arbitrable matters, hath an absolute aurhoritie to himselfe giuen, to end the matter alone, without hearing the

An Vmpire hath absolute authoritie,

Arbitra-

Arbitrators, if he will: for albeit this is not without ſome danger, and that the ending of Arbitrators is to be preferred; yet breuitie and expedition of juſtice in merchants affaires is much regarded, that by all means the ſame ought to be furthered. Hence it proceeded that the Merchants Courts gouerned by Priors and Conſuls (whereof wee intreat in the next Chapter) haue authoritie to reforme or confirm the ſentence of arbitrators, when Merchants will appeale their arbitrement before them, rather than to go to Law: and with this prouiſo, That the appellation of the ſentence of the ſaid Arbitrators ſhall not be receiued by the ſaid Prior and Conſuls, before the Arbitrement be performed by the party that doth appeale, conditionally that reſtitution ſhall bee made if there be cauſe, vpon the end of the proceſſe. And the ſaid Prior and Conſuls are to note, that no Merchant nor other, beeing of their juriſdiction, can tranſport or make ouer their intereſt to any perſon priuiledged, and not ſubiect to the ſaid juriſdiction, be it by gift, ſale, or exchange, or by any other meanes, to the end thereby to auoid their authoritie; vpon paine that the ſame tranſports and poſſeſſings ſhall be of none effect, and the loſſe of their right and cauſe. And all Notaries who ſhal receiue any ſuch tranſports, ſhall be puniſhed by the ſaid Prior and Conſuls in a penaltie arbitrable: and further ſhall be condemned to pay vnto the aduerſe party all his Coſts and charges which he hath ſuſtained by means thereof.

Arbitrators award ſubiect to the Prior and Conſuls.

And to the end this expedition may by all means bee furthered, the ſaid Prior and Conſuls may diſtribute and refer cauſes vnto the moſt antient and expert Merchants in the matters in queſtion, to make a true report of the ſtate of the cauſe, according to the allegations and proofe of the parties, without any ſallarie to be giuen to the ſayd Merchants; howbeit in Italy ſome reward is giuen vpon the Ricourſe of Merchants.

Reference of Cauſes vnto Merchants.

Theſe Merchants are to take the aduice of the Advocate, Counſell, and Atturny of the ſaid Prior and Conſuls in matters difficult, the better to diſcerne the right of the cauſe, to make the report more compleat, for the ſooner ending of it according to reaſon and right, by the true affirmations of the Merchants, and not by feined, ſubtill and crafty writings, which oftentimes do darken the truth, vnder the colour of fair phraſes declared in them, cauſing protraction and delayes.

Marcus Tul. Cicero hath truely ſet down the difference which is betweene Iudges of the Law, and Arbitrators, inclining to the moſt eaſie and leſſe chargeable courſe, ſaying, That the one is ſeruile, the other is noble; the one is bound to the Law, the other is not; the one doth conſiſt in fact, the other in juſtice; the one is proper to the Magiſtrats, the other is reſerued to the Law; the one is written in the Law, the other is without the Law; the one is in the power, and the other is without the power of Magiſtrats: howbeit it is not forbidden but all juſtices of peace may compound differences, and their authoritie doth enable them better thereunto. And in this regard it is ſaid, That an Vmpire doth repreſent the Lord Chancellours authoritie, becauſe that Commiſſioners, report of the Maſters and others of the Chancerie, or of Merchants, is the ground-worke whereupon the Lord Chancellor doth deliuer his ſentence, and maketh vp his Decrees. And the ſaid Commiſſioners haue a further authoritie & power than Arbitrators; for they may examin witneſſes vpon oath, vpon any thing in queſtion where there wanteth proofe, or they may miniſter the ſaid oath to either party, vpon pregnant occaſions to bolt out the truth. The like authoritie haue the Prior and Conſuls of Merchants: and moreouer, their authoritie doth far exceed the power of Commiſſioners; for as Arbitrators haue a determinat power to make an end of Controuerſies in generall termes, without declaration of particulars, ſo hath the Prior and Conſuls power to do the like; whereas Commiſſioners are to giue a reaſon and declaration of their proceedings to the Lord Chancellor. Finally, the Arbitrators authoritie implyeth a voluntarie command proceeding from both parties, which the Commiſſioners haue not, but the Merchants Court hath.

Difference betweene Iudges of the law and Arbitrators.

Difference betweene Commiſſioners and Arbitrators.

Chap. XVJ.

Of the Merchants Courts, or Office of Prior and Conſulls.

THe third mean to end and determine merchants queſtions and controuerſies hapning in the courſe of traffique, is the Courts of Merchants called Prior and Conſuls, or *Il Conſolato*, as the Italians haue called the ſame. And here we may ſay a Merchant is *in loco proprio*, as the Fiſh in the water, where he vnderſtandeth himſelfe by the cuſtome of merchants, according to which they are determined; yet if they doe not, as euery man is taken to be wiſe in his profeſſion, ſo may hee bee permitted to vnderſtand them; the rather when hee ſhall truely peruſe and ponder the contents of this booke, which in my loue to Merchants I haue compiled as aforeſaid.

Wherin Prior and Conſuls haue no power

The Ciuilians hauing conſidered of this office of Prior and Conſuls, eſtabliſhed in many places of France, Italy, and Germanie, haue made diuers queſtions of their authoritie, ſaying they cannot decree any thing contrary to the Law of the land; as that the father ſhall be bound for the ſon, or the ſon for the father, or any thing that is *malum in ſe*, or naturally vniuſt, or againſt the publique good, or that which ſauoreth of a Monopoly: neither may they forbid any man to go to law, or order that a work begun by one, ſhall not be ended by another, without the others conſent: neither are they to deale, or to determine of any thing but what concerneth merchandiſing. For other things, as the ſelling of houſes, lands, and the like, do not appertain vnto them. True it is, that all matters criminal or offenſiue do not belong vnto them to deale in, for there the Kings Atturney is a party, and hath intereſt therein, as falſifying of obligations or bils of debt, or other writings, matters of reproch or diſcrediting of perſons, theft, and other euill and vnlawfull behauiour done and committed by their ſaid ſeruants, or themſelues, or any other Merchant, Factors, or intermedlers in cauſes of merchandiſe, as alſo all others not exerciſing the trade of merchandiſe, are forbidden to bee dealt with by the ſaid Prior and Conſuls: neither are they to deale with the contracts of Vſurie, either feined or otherwiſe vnlawfull, nor with the Wils and Teſtaments or Contract of mariages of any perſons, or with the interchanging of goods by conſent, and all other ſuch like contracts, but only in all Ciuill cauſes of merchandiſing. Howbeit theſe queſtionable matters are not of that moment to be diſcuſſed, conſidering that their authoritie is declared and confined by the Charters and priuiledges made vnto them by Princes and Commonweales, whereunto relation is to be had, and accordingly they are to proceed, hauing a reſpect to the equitie of the cauſe. Hereupon *Benvenuto Straccha* the Civilian maketh a treatiſe, *Quomodo procedendum ſit in cauſis mercatorum*, Of the manner to proceed in Merchants affaires; wherein are many vniuerſall things propounded which are eaſier, but particular things are commonly truer, by his owne obſeruation; and he concludeth that the Decrees of Merchants need no other confirmation or approbation.

The Decrees of Merchants need no other confirmation.

The oath taken by the ſaid Prior and Conſuls to obſerue the Law-Merchant is ſubiect to puniſhment, if they be perfidious or forſworne, as well as the oath of all other Iudges. And writing *de Conſulibus Mercatorum*, he ſaith, That a Merchant may call in queſtion, and beginne his plea before them, although it be againſt one that is no Merchant, if the cauſe concerne merchandiſing; and the Plaintife herein bindeth the Defendant to be iudged by the ſaid Prior and Conſuls, be he either a Knight or Eccleſiaſticall

aſticall perſon, or a ſtranger not reſident in the place. In like manner all Bankers, ſhopkeepers in faires and markets are bound to their juriſdictions for matter of mony and exchanges, or for merchandiſe.

The plaintife may in other places (where the defendant doth deale or negotiate) be at his choice to begin or commence his ſuit where he wil, but not in two places at one time for one cauſe, wherein ſometimes the penaltie is by him reſpected to be far greater in one place than in another. Here let vs remember the controuerſie between two brothers, which was aboue forty yeares ſince, called *Ioan de la failia* and *Iaques de la failia*, who went to law in Brabant for many thouſand pounds, and afterward one of them did commence ſuit in Flanders, beeing another juriſdiction, whereupon hee was compelled to pay a forfeiture of 4000 ℔: for in truth good orders and cuſtomes are to bee maintained as lawes, and nothing is to be admitted that may infringe the law of Merchants.

A forfeiture for a juriſdiction.

The proceedings before the ſaid Prior and Conſuls is by Libell or Petition, or by Declaration; wherein let vs note the difference ſet downe by the ſaid Ciuilians. The Libell or Declaration is to be made with all the forme vſed in Law, as wel for the matter of fact, as the matter of Law. But in a Petition the forme is not needfull, ſo the ſubſtance of the matter be well expreſſed, eſpecially the ſum which is demaunded, or the goods being lent or vniuſtly detained, muſt be ſpecified; and if it be for mony owing for merchandiſes, or lent, it muſt be declared, otherwiſe the Conſuls will reject the Petition as impertinent: albeit ſome triuiall errors in petitions are tolerable, and the party is to be by the Merchants Law relieued.

Difference between a Petition and a Declaration.

They are to proceed ſummarily in all their actions, to auoid interruption of trafick and commerce; and they are to reſpect plain and ſincere dealings among Merchants, with a conſideration to conſtrue all things to be done *bona fide*, ſo that truſt may be preſerued amongſt them; debarring as much as in them lieth, the exceptions of Preſcription, Excuſſion, and of promiſes made without conſideration, *quod nudo pacto promiſiſti*, and the like: inſomuch as many times a Woman is admitted to be a procuratrix, contrary to the Ciuile law: and all other exceptions vpon plain Bils and Obligations are ſet apart, and the truth is hunted after, and all exceptions proceeding of juſtice and equitie to be conſidered of.

Summarie Proceeding.

A cuſtom contrary to the ciuile Law.

The paying of Cuſtomes, Impoſitions, Factoridge, Portage, Carriage, and the like charges are much to be reſpected by them, as alſo the Execution of Wills and Teſtaments.

The publication of witneſſes before them is without delay; and no more witneſſes are to be examined after the time of few daies limited, is expired: but ſentence is immediatly to be giuen in writing, after pronuntiation clearly made by them, according to the proofe and allegations, vpon paine to be puniſhed by the higher Courts, and in France by the Court of Parlement, vpon reformation of their decrees.

Sentences of Prior and Conſuls.

The manner of this ſummarie proceeding is ſo briefe, that vpon comming of the parties before them in perſon, or by their Atturny, they are preſently to nominat their place of reſidence, or elſe there is refuſall made of their petition or demand; then there is but one delay admitted, and in the acknowledgement of bills of debt or obligations, there is admitted but one default: after which the Bill is held as confeſſed and auaileable, wherein their authoritie is greater than the authoritie of all other judges. For their ſaid ordinance doth extend but to the adjourning of perſons, and the ſayd Prior and Conſuls vpon one only default, and notice left at the lodging of the offendor may auerre all Bils, and declare the ſame to be paiable; which notice is to be done by the meſſenger or Serjeant of the ſaid office, by fixing the copy of the demand vpon the doore, if he cannot finde the perſon, and by one witneſſe or two to be affirmed: & hereupon they may ſeiſe vpon the parties goods, if his body be abſent and cannot be impriſoned to pay and ſatisfie their ſaid ſentence and decree; and the goods by them ſeiſed, vpon once warning giuen, may be ſold by them to that end. If oppoſition be made againſt the ſeiſing, ſale, or deliuerie of goods, or againſt the cries or interpoſitions of decrees, or againſt any other chiefe point, where oppoſition may be admitted (juſtice remaining

The authority of Prior and Conſuls is greater than the authoritie of any Iudges.

remaining duly garniſhed) the parties ſo oppoſing themſelues ſhall be ſent vnto their Iudge and chiefe men of their prouince, to declare before them the cauſe of their oppoſition.

And if the party adjourned do offer ſurety, yet notwithſtanding hee ſhall be cauſed to garniſh and lay downe caution, and then haue power to call his ſuretie; ſo that the ſentence or judgement to be giuen ſhall be againſt the principall Debtor for the principall ſum, and againſt the ſureties, for the charges, damage, and intereſt only; & this ſurety is liable after one default alſo, vnleſſe he put in a third man for ſurety, to whom alſo but one default can be allowed. Howbeit that all delaies are left to the diſcretion of the Prior and Conſuls, who will admit none but vpon very pregnant cauſe: And if they finde to haue granted any delay vpon vntrue ſuggeſtions, they may impoſe a forfeiture vpon the party according to their diſcretions, and the qualitie of the cauſe and perſons. And in the proceedings there may be two citations and adjournments ſometimes vſed by them, eſpecially vpon inquiries, where the witneſſes are admitted with the priuitie of the aduerſe party being called thereunto; otherwiſe all the proceedings are of no value. The inquiries are to be done within a limited time, and may once be prolonged vpon eſpeciall cauſe, and not otherwiſe. All lawfull proofe muſt bee done before them ſummarily within three days, without any further protraction, vnles there be manifeſt contradiction, and that by default thereof they pay the penaltie to be impoſed.

Adjornments and delayes vſed.

Inquiries vſed

The like penalties are to be impoſed if the parties doe produce any frivolous thing in writing; for there is alwaies expedition and breuitie intended in all their proceedings.

Penalties impoſed.

The Regiſter of the ſaid Prior and Conſuls is to keepe a little Inventorie of all the writings that ſhall be produced, and ſhall cauſe the parties that doe produce them, to write their names vpon euery one of them: and the ſaid Regiſter is not to take out any copy of matters of moment out of the inventorie of the ſaid Writings, neither for one party nor for the other, but only the cauſe and the end wherefore the ſaid writings are produced, vpon a penaltie, &c.

The Regiſters office.

All charges and damages ſhall be taxed by the Prior and Conſuls, and be payed, or the party impriſoned not to be releaſed without the conſent of the party. And forasmuch as this courſe to determine cauſes is the ſhorteſt and moſt peremptorie of all deuices, inuentions and means which can be imagined; I haue thought conuenient to ſet downe the French Kings Edict concerning the ſame, as the moſt compleat.

Charges and damages to be taxed, &c.

An Edict made by the French King concerning the Court and authoritie of the Prior and Conſuls of Roan.

HENRY by the grace of God King of France; To all manner of perſons of what eſtate ſoeuer, Greeting. As Wee haue beene heretofore aduertiſed, That Our city of Roan is one of the beſt cities in all Our Kingdomes, by reaſon of the ſcituation and aptneſſe for all commerce and and traffique, where diuers Merchants as wel of this Our realme, as of many other nations, do vſually hold an intercourſe of buying and ſelling: for the continuance and propagation of which trade, there hath of late by our Letters miſſiue been erected and eſtabliſhed in the ſame city a common place for Merchants and their Factors, to aſſemble themſelues in twice euery day at the houres accuſtomed, to diſpatch their affaires and negotiations, in ſuch maner as is commonly vſed in the Change at Lyons and the Burſe at Tholouſe, to the intent that the forrein

Change at Lyons.

Burſe at Tholouſe.

Commodities

Commodities of other countries may more readily be transported and exchanged away, with those which our owne bringeth forth.

Be it therefore knowne to all men, That We (through Our ardent zeale which We carry, to aduance the generall good of our said city of Roan, and to augment the common benefit and ease of all Merchants negotiating there, and in all things possible to gratifie them, that they may not be distracted and drawne from their affaires and businesses into sundry Courts and jurisdictions, by means of suits and variances arising at any time about their traffique) by the deliberate aduice of Our Privy Councel, together with diuers Noblemen and Princes of Our Bloud, besides other great and honourable Personages, of our owne proper motion, assured knowledge, and Regall authoritie, haue approued and confirmed, and by these Presents do approue and confirme the making and establishing of the said Common place in that Our City of Roan, instantly ratifying the same in all points with the Change of Lyons, and Bourse of Thoulouze.

Willing and ordaining, and our pleasure is, That all Merchants, Factors, and all others of what Nation soeuer, may assemble themselues in the same twice euery day at the houres accustomed, and in their meetings shall freely vse their traffique, and passe their businesse as well by exchange as otherwise, not only in the said place, but also in any other whatsoeuer within the Liberties of Our said City of Roan, when and where they shal thinke good, with all assurance to their merchandise; and with all those priuiledges and Liberties which Merchants trading to our townes of Lyons and Thoulouze do enioy and vse, according to the Grant of Our predecessors Kings of France, and of Vs. License to exchange.

Furthermore We will and ordaine, That the Merchants of our said towne of Roan frequenting the same place, shall euery yeare cause a Societie of Merchants to be in the Lodge of the said Bourse, or in any other place in the said City, and at such time as they shall thinke good: in which meeting they shall chuse out of the said number three Officers, *viz.* a Prior and two Consuls, to remain in their authoritie for one yere, and so yearely to be changed, and there new to be erected, according to the ordinarie forme of most voices, not only the Merchants of the city of Roan, but also the Merchant strangers, being to be present and assistant in the said election: which election and nomination being fully ended, the said Prior and consuls shal haue present power in them to take knowledge and giue judgement between all men, of what estate, qualitie, or condition soeuer they be, of all suits, controuersies, and differences touching matters of merchandising or buying and selling, in such manner as the Conseruator of the Faire at Lyons, and the Prior and Consuls at Tholouse do, as well for Obligations, Bils of debt, Receits, Blanks signed, Bils of exchange, answers by sureties, associations of Merchants (either generall or particular) assurances, accounts, transportations, bargaines, and partnerships for matters aforesaid, or any thing belonging thereunto, with as ful strength, and according to the judgements and condemnations of the said Conseruator of Lyons, and the Prior and Consuls of Thoulouze. And that the judgements and Sentences, Decrees and Ordinances, Commissions and Commandements of the said Prior and Consuls of Roan, by speeches, prouisions, or definitiues, shall stand in as much force and effect, for any matter judicially determined, as those Causes which the Conseruator of Lyons, and Prior and Consuls of Tholouze, and diuers of our Iudges do decide. And the same shall be executed by our Serjeants and Officers, in such maner and form as they are in their behalfe aboue named; either by committing to prison, or by inflicting seuere punishment, if it be so decreed and ordained; and to that end shall our Messengers and Offices be bound to performe the executions. Our Gaolers and Keepers of our prisons shall likewise be bound to keep al such prisoners in such manner as if they were committed vnto them by our abouesaid Iudges, with the like bond and penaltie (if any escape happen) as they be bound to keepe the prisoners by the authoritie of the said Iudges: For so We haue enioyned, and doe enioyne Our Messengers, and other Officers, Gaolers, and Keepers of prisons, vpon such penalties as the case shalrequire, and according as by the said Prior and Consuls shall

Indifferent election.

Generall and particular associations.

The manner of executions.

shal be set downe and declared without any default, according as the offence committed shall require.

Moreouer, We haue permitted and doe permit Our said Prior and Consuls to take vnto them 20 of the said Merchants, or more or lesse as they shall thinke reasonable, to assist them in their proceeding and judgements in causes of merchandise, Bils of exchange, assurances and differences, as aforesaid; and to cause to be executed their sentences, judgements and ordinances of pawnes and consignements, prouisions, seising of goods, and all other condemnations, sentences, or appointments to proceed therein by cries, proclamations, giuing notice to them selues, or leauing notice at their houses by proofe, sales, depositings, deliueries, and execution definitiue as the case shall require.

Aid in the Execution.

Likewise we giue them power to direct the same processe, and to proceed therein according to their ordinances, as well in matters summarily, as by prouision; as acknowledgement of Bills, subscriptions, and Bills of exchange.

Summary proceeding

And the like in acts of Pawnes and Consignements, by one onely fault duely proued, by summoning the person at his house, or fixing there a copy of the Commission or Processe in all places where it is lawfull to be done. And touching other matters, where two defaults shall be made or summoned in person, they shall proceed, obserue, and keepe the course according to the Kings Ordinances. And for all matters wherein they shall giue sentence of execution according to their knowledge, We will and doe permit them, as aforesaid to cause the execution to passe in all places of our Court of Parlement at Roan, and in all other places of our kingdome where need shall require, without any disturbance or let to be done by any of our Iudges, Iustices, or Officers, either against them or their deputies; neither shall they let or hinder any summons or arrest, exploit or assignement to be done before them.

And to giue their assistance in all causes appertaining to their knowledge touching matter of traffique and all things thereunto belonging, against all merchants trading in our said city of Roan, and as touching their Factors, dealers and intermedlers, of what qualitie soeuer they be, (sent by them into diuers countries, regions, and Prouinces, as well within as without Our Kingdome, countries and dominions vnder Our obeysance, for the cause of traffique, merchandise, and doing of businesse, and all other things thereunto belonging)

Constraint to bring their Causes, &c.

We will and ordain, That they may be constrained to bring their causes and proofe for all matters aforesaid, before the said Prior and Consuls for the time being, or that shall hereafter execute these offices, be it either for the rendring of account and satisfaction of part or of whole, or condemnations in penalties, or other condemnations for amends for trespasses, and for all other things that shall be requisit concerning and belonging to the trade of merchandise, according as they shall deserue, whereof wee haue permitted them, and do giue them power to vse the form, euen as the said Conseruator at Lyons, Prior and Consuls of Thoulouze, and other Our Iudges do. And to cause execution to be serued on the offenders, either by arrest, Attachment of goods, and sale therof, or by imprisonment of the parties condemned, euen as they shal think good, inhibiting all our Iudges to presume to take knowledge of any matter or Plea thereunto belonging; which our command Wee will to be notified vnto them, and vnto whom it shall appertaine, by the first of our Officers or Serjeants that shal be required, whom we enjoine to performe the same accordingly, to the intent that al those charges and extraordinarie expences which merchants may be put vnto in following their suits against their factors and dealers before many judges, might by these means be vtterly auoided.

Prohibition to other Iudges.

Furthermore, We haue permitted and do giue authoritie to the said Prior & Consuls, that all such penalties of monies as by them shall be inflicted vpon men for Contempts or any other offences shall be forfeited, the one halfe to Vs, the other halfe to the vse of the said common place or Burse of Roan, to supply the wants thereof: allowing them also absolute libertie and power to chuse and constitute one Councellour, and one Atturney, who shall by all lawfull means labour the benefit and aduancement

Half of the forfeitures to the prior &c.

A Counsellor and one Atturney.

of

of the ſaid place, and ſhall defend the ſame, to direct their proceſſe and cauſes, as well before the ſaid Prior and Conſulls, as before all other Iudges.

And to the end that the Merchants may aſſemble themſelues, as well to conſult of their common affaires, as to conſtitute the ſaid Councellor and Atturney, without being ſubject to repaire to Vs or to Our Iudges for leaue when need ſhall require; Therefore all ſuch judgements as ſhall paſſe before the Prior and Conſuls, being ſealed with their Seales, and ſigned by a Regiſter by them appointed, be it by impriſonment, ſale, diſpoſing of goods or otherwiſe, ſhall be held for reall and lawfull, being paſt in manner aforeſaid, without any conſtraint to haue Our further commiſſion or liking, euen according as was permitted by Our moſt honourable Our Father the King, vnto the Merchants of Our Citie of Lyons by his letters Patents giuen in the moneth of Februarie, in the yeare of Our Lord 1535; reſeruing vnto Our ſaid Court of Parliament, at Our ſaid Citie of Roan for a laſt concluſion, and by appeale, the juriſdiction and knowledge of the ſaid diſcords and differences. Appeale to the Parlement.

And to the end that all ſuch appeales as ſhall proceed by reaſon of the judgements and ſentences that ſhall be giuen and declared by the ſaid Prior and Conſuls, may be ſpeedily and without delay ended in Our ſaid Court, We haue ordained and doe ordaine, injoyne, and command all Our louing and truſtie Preſidents and Councellors (holding Our ſaid Court of Parliament) to declare to the ſaid Merchants without delay one day in euery weeke, ſuch as they ſhall thinke conuenient, to heare, determine, and diſpatch the ſaid appellations, by order of roll for that purpoſe ordained. And in regard of the proceſſe by writing, there ſhall be one other roll made apart, to the end that the ſaid appeales may be ended in the ſame day, to auoide the prolonging of ſuits, to the ruine and conſuming of the ſuiter. And to the end the ſaid place of meetings of the Merchants twice a day, may be quiet, and without diſturbance, Our pleaſure is, and We do ſtraitly command, that none of Our Serieants and Officers preſume to enter into the ſame place, nor to make any arreſt (for any cauſe) of any perſon whatſoeuer, during the time of thoſe two accuſtomed houres of meeting. And if ſuch arreſt ſhould be made during the ſaid houres, We haue declared heretofore, and do declare at this preſent, the ſame to be void and inſufficient, charging all Our Iudges not to haue any regard thereunto. Iuſtice with all expedition. No arreſt to be made vpon the Burſe, &c.

And as We are informed, That the trade of Aſſurances is of late greatly aduanced by the Merchants of the ſaid Citie of Roan, (a worke ſo honourable that it doth euen beautifie and greatly aduance the trade and commerce of the ſaid Citie,) We (to the end thoſe ſaid policies of Aſſurances, and all other writings thereunto belonging may receiue full vigour) haue permitted, and do permit, That all Merchants frequenting the ſaid place (both now and hereafter to come) to aſſemble themſelues at all times when it ſhall be needfull, to chuſe and nominate, according to the moſt voices, one Merchant amongſt them (ſuch a one as they ſhall thinke meet, being a man truſtie and expert in the knowledge of the trade of Aſſurances) who ſhall make and Regiſter the ſaid policies, whereunto the Aſſurors ſhall ſet their hands, at all times hereafter in the ſaid place and liberties of Roan, when it ſhall pleaſe the Merchants; whoſe office ſhall likewiſe be to draw forth accounts of ſuch arrerages as ſhall happen (being thereunto called) receiuing for his paines and time ſpent about the buſineſſe of the ſame Aſſurances, according as it ſhall be thought meet by the ſaid Merchants, and keepe a perfect and true Regiſter of the ſame Aſſurances. To the which Regiſter and Copies thereof, and all other Acts and Writings by him made, concerning matter of Aſſurances, and by him ſigned, Wee will and ordaine, that all manner of credit ſhall be thereunto giuen, before all Iudges, and others to whom it ſhall appertaine: without that any other perſon or perſons ſhall haue to doe, or meddle in the ſaid buſineſſe of Aſſurances, or any thing thereunto belonging, vnleſſe he be before choſen and admitted thereunto by the ſaid Prior and Conſuls, and by the ſaid Merchants as aforeſaid. A Regiſter for Aſſurances.

And we do command and giue in charge to all perſons holding Our Courts of Parliament, great Conſuls, Admiralls, Vice Admiralls, Stewards, and their Deputies, and to all other Iudges and Officers whom it ſhall concerne, that you do cauſe to be read,

„ proclaimed, and regiſtred this Our preſent Will, Declaration, Permiſſion, and Ordi-
„ nance, and the ſame to be obſerued and kept by all them accordingly, that the Mer-
„ chants may vſe and injoy the force and benefit thereof, plainely and peaceably with-
„ out any contradiction. Moreouer We do charge and command Our Atturney gene-
„ rall, that he do with all diligence cauſe all theſe things to be plainely and truely exe-
„ cuted, and that he doe certifie Vs of his diligence ſo done; for ſuch is Our pleaſure,
„ for that of our meere motion and power, We will haue it done, and that notwithſtan-
„ ding any ordinance, cuſtomes, ſtatutes, priuiledges, commandements, defences, or let-
„ ters to the contrary, the which in this cauſe without doing prejudice to other cauſes,
„ We haue made void, and do make void. And for that men ſhall haue occaſion to vſe
„ this Our grant in diuers places, Our pleaſure is that credit ſhall be giuen to all ſuch
„ copies as ſhall be made by any Our louing & truſtie Notaraies and Serjeants, Secreta-
„ ries, or vnder, in ample manner as to the originall: and to this effect, We doe giue you
„ full power, authoritie, and eſpeciall charge and commiſſion, by theſe preſents com-
„ manding all Our Iuſtices, Officers, and Subjects, to obey you in this caſe. And to the
„ end this may remaine eſtabliſhed for euer (our owne right in all other cauſes reſerued)
„ Wee haue hereunto cauſed Our ſeale to be put. Giuen at Paris in the moneth of
„ March, and in the yeare of our Lord 1556, and the tenth yeare of Our raigne: ſigned
„ by the King then in Councell, and ſealed with greene waxe, with red and greene ſilke
„ lace.

CHAP. XVIJ.

Of the Lawes of ſeuerall Countries, whereby the Differences and Controuerſies of Merchants are determined.

THE fourth and laſt meane to end the Differences and Controuerſies hapning betweene Merchants and others in the courſe of traffick, are the imperiall Lawes, or the fundamentall Lawes of kingdomes and common-weales, where the Merchants court of Prior and Conſulls is not eſtabliſhed, whereof the Merchants ought not to be ignorant; ſo that in the deſcription of them, it is conuenient to make ſome declaration, for the Merchants ſatisfaction, appertaining to their buſineſſe and negotiation.

Finall end of the Lawes.

All lawes are rending in ſubſtance to the vpholding of truth, maintaining of Iuſtice, to defend the feeble from the mightie, for the ſuppreſſing of injuries, and to root out the wicked from amongſt the good, preſcribing how to liue honeſtly, to hurt no man wilfully, and to render euery man his due carefully, furthering what is right, and prohibiting what is wrong; ſummarily to be vnderſtood according to the ſaying of our Sauiour Chriſt.

Mat.7.21. Luke 6.31.

What you will haue men to do vnto you, do the ſame vnto them.

Which *Alexander Seuerus* the Emperor did expreſſe thus:

That which you will not haue done vnto thee, do not vnto others.

And to this purpoſe, let vs note three ſorts of lawes, namely:

Law of Nature

The law of Nature, whoſe vertue is alone, and the ſame euery way in all, or rather a very notice of Gods law ingraffed in the minde of man.

Law of Nations.

The law of Nations, which conſiſteth of cuſtomes, manners, and preſcriptions, being of like condition to all people, as we haue before declared.

Ciuile Law.

The Ciuile law, which is an abridgement, derogating many illicentious cuſtomes which

which grew by peruerſneſſe and corruptneſſe of nature, and is termed Peculiar, vſed by one kind of people, called the Imperiall Law.

Out of theſe was the common law of England made, whereof we are now firſt to intreate, and therein to be ſomewhat prolixe, for the better vnderſtanding of Merchants, the rather becauſe the lawes do binde all men to knowledge, Obedience, and Puniſhment: for indeed no man may breake them, no man may be ignorant of them: and laſtly, no man may judge of them, but according to them; and therefore it is ſaid, that *Iudex* is taken *à iudicio, non iudicium à Iudice*: and more eſpecially, becauſe this booke (as you may finde) is more exactly calculated (as the Prognoſticators ſay) for the Meridian of England, howbeit it may ſerue for all other countries and places of trafficke and trade.

The law bindeth all men to knowledge and obedience.

¶ *Of the Common-Lawes of the realme of England.*

THe Common-Law of England is taken three manner of waies, *viz.*

1 As the Lawes of the Realme, diſſeuered from all other Lawes; which is the cauſe of the often arguing in the Lawes, what matters ought of right to be determined by the Common Law, or what by the Admiraltie Court, or by the Spirituall Court.

The treatiſe of Doctor and Student.

2 The Common-Law is taken as the Kings court or Kings Bench, or Common pleas.

3 By the Common-Law is vnderſtood ſuch things as were Law, before any ſtatute made in that point that is in queſtion, whereby that point was holden for Law, by the generall and particular cuſtomes and maximes of the realme, or by the law of God, and the law of reaſon, whereunto the Kings of England at their coronation, doe take a ſolemne oath to obſerue the ſame, and all which the inhabitants of England ſucceſſiuely euer obſerued, namely Brittaines, Romans, and then Brittaines againe, and then Saxons, Danes, and Normans.

Fiue nations in England.

Now whereas the Law-Merchant requireth breuitie and expediton, all men of iudgement will confeſſe, that (hauing ſeene many deuiſes, edicts, and ordinances how to abridge proceſſe, and to finde how long ſuits in Law might be made ſhorter) they neuer perceiued, found, nor read as yet, ſo juſt and ſo well deuiſed a meane found out as this by any man in Europe, albeit that the ſhortneſſe thereof is ſuch, that if a man haue many peremptorie exceptions, which can make the ſtate or iſſue of his cauſe, he ſhall be compelled to choſe one exception whereupon to found his iſſue, which choſen, if he faile by the verdict of twelue men, he loſeth his action and cauſe, and the reſt can ſerue him for nothing.

Commendation of the common law.

Peremptorineſſe of the common-law.

Great is the antiquitie of the Common-Law of England, and the triall of Iuries by twelue men: for we finde the ſame to be from the time that the Weſt Saxons had the rule and dominations ouer the countries of Hamſhire, Wilteſhire, Dorſetſhire, Somerſetſhire, and part of Gloceſterſhire; and alſo the ſame Law was vſed amongſt the Saxons which ruled Marſhland and Medland, that is to ſay, the countries of Lincolne, Northampton, Rutland, Huntington, Bedford, Oxford, Buckingham, Cheſhire, Darbie, Notingham, and part of the ſhires of Gloceſter, Warwicke, Hereford, and Shropſhire, at ſuch time when the land was diuided into ſeuen kingdomes, all of them being at that time inhabited with diuers nations, namely, Picts, Scots, Danes, Normans, Vandals, and Germanes; all which haue continued the proceedings of the Law, vntill the time of *William* Duke of Normandie who conquered the ſame.

Antiquitie of the common law.

This *William* the Conqueror had the quiet poſſeſſion of this land, and cauſed (amongſt other lawes) the Dane lawes to be collected, which ruled in Deuonſhire and Cornewall, and a diſcreet view to be taken of fundry Lawes, whereunto he did adde ſome of his Norman Lawes to gouerne the people of the land, now called England; in ſo much, that concerning the antiquitie of the lawes and cuſtomes aforeſaid, they were long before vſed by the Saxons firſt gouernement, nay by the Brittaines themſelues, which was 1198 yeares before the birth of our Sauiour Chriſt, being now in continuance

Anno 1198 *ante Chriſtum.*

continuance aboue 2800 yeares; for King *Alfred* cauſed the lawes of *Marcia* to be tranſlated out of the Brittaine into the Saxon tongue: and after that wee finde that King *Lucius* and King *Alfred* cauſed the continuance thereof.

The ſaid Common-Lawes are properly to be taken to conſiſt of the ancient Maximes of the ſaid Lawes, of the ſtatute Lawes and Booke Caſes, which are yearely obſeruations vpon manners, and may be called *Reſponſa Prudentum*, comprehending therein the Municipall Lawes, which is proper to all Kingdomes and Gouernements, as an exception to the fundamentall Lawes thereof; wherein many ſingular arguments drawne from Diuinitie and Humanitie are effectuall, though there be no bookes for it. For the principles which are taken from the Law of God and Nature, or Reaſon, are many more, than thoſe which are of man, and giuen by the abſolute diſcretion of the Iudge. And concerning the prudence of the Law, which holdeth this Maxime, That it is better to ſuffer a miſchiefe, than an inconuenience, attributing the word miſchiefe vnto one or ſome few men, and the word inconuenience to all perſons, or the common-wealth in generall. And here let vs obſerue, That

Municipall Law, as gauelkind, &c.

A Maxime in Law.

Of the Common-Law of England, there may be made an Art or Science.

Conſider we, That *Ars eſt cauſarum conſideratio, ex finibus Aſſumptis:* Art is the conſideration of cauſes from certaine ends propounded; according to which definition an orderly conſideration muſt be taken of the cauſes, which cannot be without Art: For Art maketh nothing but of things already made, putting a diſtinct determination, which is done with a reformed reaſon properly called Logicke; which (as it is the inſtrument of all Sciences) ſo is it alſo the inſtrument of the Law: and although the Law be now infinite in Practiſe, yet is the ſame finite in Precept. So that as, *In infinitis omnia concurrunt*, The Law being finite in her principles, may eaſily be compiled or incorporated; and experience teacheth, that it is eaſier to vnderſtand many principles well put together, than to put many principles well together, whereby a man may vnderſtand the Law, hearing the ſame deliuered by a Lawyer; yet this may be done by wiſemen.

Definition of Art.

For we haue our finite originalls or elements, acts, perſons, things, and their adjuncts, and concerning them, finite reaſons, of which we do compound caſes infinite; yet are all thoſe caſes decided according to the finite reaſons of the finite elements. So hath the Phiſitian finite ſimples, though we do make infinite compounds, yet are they all proued good or bad to that whereunto they are prepared, by reaſons drawne from the finite ſimples.

Now by the elements of the Law, wee muſt vnderſtand matter and forme, not as in things naturall & compound, but *Modo & forma*, as they ſpeake: ſo in all caſes, there is matter of Law, matter of Fact, or both, and the twelue men or jurors, are onely ordained to try the matter of Fact, for they are ignorant in the Law; ſo that if the queſtion be of the Law, that is, if both parties do agree vpon the Fact, and each do claime that by Law he ought to haue it, and will ſtill in that ſort maintaine their right, then it is called a Demurrer in Law, which is determined by the Iudges: So that if all caſes where reduced vnder theſe few titles, namely, Pleas of the Crowne, of Right or Title of Land, of Debt, of Treſpaſſe, of Account, of Trouer, and of the Caſe: Then might the matter of Fact be brought nakedly before the Iurie diſtinguiſhed from the matter of the Law. For all caſes are either criminall or ciuile, or criminall, reall and perſonall, for life, honour, and goods or lands: and it is an eaſie matter to deſcribe the nature of theſe and the like actions, the Law being ſingular in her diſtinctions, which would diminiſh the practiſes thereupon: whereas by the Ciuile Law the Fact is firſt examined by witneſſes, indices, torments, and the like probations to finde the truth thereof; and that done the aduocats do diſpute of the Law, to maſte of it what they can, ſaying, *Ex facto, jus oritur*, which is long and tedious.

Elements of the Law.

Demurrer in Law.

Caſes criminall, reall, and perſonall.

Originall's by the Ciuile law.

The pleading of generall Iſſues, with addition of the words, *Modo & forma*, maketh the matter difficult many times, when the Iurie conceiueth that this meaneth ſome

matter

matter of Law, when it is onely matter of Fact: the Iurors therefore are principally to looke whether the Iſſue, and Euidence do concur, which they ought to follow. True it is there is ſometimes matter of Law which altereth the Caſe, when there muſt be proued a lawfull conſideration of *Quid pro quo*, otherwiſe it is *Nudum Pactum ex quo non oritur Actio*; wherefore I haue ſeene ſome Pleas plainely diſtinguiſhing the matter: ſo that the Iurie might perceiue the naked Iſſue of the Fact before them in queſtion, with all the the circumſtances which is ſometimes done by way of Replication.

Nudum pactum what it is.

There is a Maxime or ground of the Law of England, That if the defendant or tenant in any action, plead a plea that amounteth not to the generall Iſſue, that he ſhall be compelled to take the generall Iſſue, and if he will not he ſhall be condemned for lacke of anſwere. The generall Iſſue in Aſſize is, That he that is named the diſſeiſor hath done no wrong, nor no diſſeiſin: and in a Writ of Entrie in the nature of Aſſize, the generall Iſſue is, That he diſſeiſſed him not; and in an action of Treſpaſſe, That he is not guiltie, and ſo euery action hath his generall Iſſue aſſigned by the Law, and the partie muſt of neceſſitie, either take the generall Iſſue, or plead ſome plea in the abatement of the Writ: and the cauſe why this is done, is becauſe the matter of Law ſhould not be put to the triall of the Iurie of twelue men.

The pleading of generall Iſſues.

Mr *Forteſcue* ſaith, That the triall of twelue men is more indifferent than the triall before a Iudge, becauſe it is an eaſie matter to finde out two men among a number of men, that may be of the parties acquaintance, ſo void of charitie and conſcience, which for dread, loue, or profit will be ready to gainſay all truth: and to this purpoſe he alleageth the example of the two witneſſes againſt *Suſanna*, according to which preſident the witneſſes are to be examined aſunder, and not in the hearing of one another, as is now accuſtomed. And if their oath touching the matter of Fact were recorded briefly, the Euidences would be more certaine, for witneſſes would be more carefull, vpon which the oath of the Iurie dependeth.

If the action be locall or lands of houſes, the Iury is impannelled of men, from as neere as may be to that Countrie where the thing in controuerſie lyeth; neuertheleſſe the defendant may take exception againſt ſome of the Iurors, albeit for little or no cauſe, and then others are taken in place, for there are twentie foure men warned, but twelue is ſufficient, vnleſſe it be vpon an Action Reall, where twentie foure muſt be empannelled. And the oath giuen to Iurors is, that they ſhall deale juſtly and truely betweene partie and partie; but the witneſſes are to ſpeake the truth, the whole truth, and nothing but the truth, and ſo they take their oath. And to the end the proceedings in Law ſhould not be hindred, therefore if the Iurors fall out not to be full in number, then the Sheriffes may take *Decem Tales de circumſtantibus*, and empannel them, that is, To take other perſons of the ſtandards by, which is done before the Iudge at the time of the Triall.

Proceedings of Iurors.

Decem Tales de circumſtantibus.

When the Iurie haue deliuered vp their verdict, if nothing be alleaged in reſpite of judgement, then judgement is had of courſe; and alſo execution is rewarded to be executed as the finall end of Law.

Verdict, Iudgment, and Execution.

Neuertheleſſe there are three meanes to diſſolue the ſaid judgement and execution, namely, By a Writ of Attaint, a Writ of Error, and an *Audita Querela*, which Writ grounded vpon Equitie by Law and Conſcience.

The Writ of Attaint is not only tedious and chargeable, but alſo neuer or ſeldome tried: for the ſame is brought by the party grieued, againſt the twelue men, and the partie for whom the ſentence is giuen. And whereas before commonly vpon the firſt enqueſt, they be all Yeomen, or men of meane calling; now vpon this Attaint muſt go twentie foure Gentlemen of greater qualitie, and fortie eight muſt be warned to appeare, then there muſt in the Attaint no more euidence be brought in, but onely that which was brought in and alleaged before the firſt enqueſt, which not appearing of record is hard to be made a plaine matter: againe Gentlemen and others are loth to diſcredit their neighbours; yet if the matter be ſo apparant, that they muſt needs finde them attainted; then meanes are found to deferre the judgement, and it may be the

Writ of Attaint

parties

parties ſhall be brought to an agreement, or at leaſt one of them that was of the attainted Iurors will die in the meane time, and then the Attaint ceaſeth: yet in this caſe if the party be in priſon which brought the Writ of Attaint, he may be bailed, as is in *Natura Brevium*.

Writ of Error. The Writ of Error is more eaſie, and was heretofore vſuall to prolong ſuits in Law, before the Statute of *Ieofaile* was made, meaning in good French *I'ay failly*. For euery ſmall Error if it were but falſe Latine, would ouerthrow a Cauſe; but now it runneth into another extreame, for if the partie grieued ſpeaketh in arreſt of judgement, and ſheweth ſome materiall Error, vpon motion made, the aduerſe party may haue it amended as often as Errors are opened: the Record therefore ought to be firſt remoued, and not onely by tranſcript be put into another Court, but the partie is to pleade thereunto, *in nullo eſt erratum*, and then the danger of opening Errors is paſt, if there be no trickes vſed in amending of the Records vnder hand, wherein lyeth a *Cerciorare* to ſatisfie the Court, where the Record is brought, namely, from the Common Pleas to the Kings Bench Court, from the Kings Bench to the Exchecquer, which heretofore was done in Parliament: and therefore the partie grieued and in priſon at the Kings Bench cannot be baileable vpon a Writ of Error after judgement and execution, as he is vpon a judgement of the Common Pleas, in the Court of Kings Bench; for this Court of Kings Bench, in regard of the Pleas of the Crowne, challengeth ſome prioritie herein.

The Writ of *Audita Querela*. The Writ of *Audita Quærela* is granted out of the Kings Bench Court, if the judgment do depend there, and returnable in the ſaid Court, or elſe out of the Chancerie returnable in the Kings Bench: whereupon the Lord Chancellor taketh foure bailes in the vacation Time, before a Maſter of the Chancerie, and the matter doth meerely depend vpon the baile. The ſuggeſtion of the Writ in matter of Law, is a later contract after judgement and execution; an eſcape in Law, if the priſoner be by the Gaoler permitted to go abroad without the Kings Writ, or if he breake priſon, in which caſe the Gaoler is to pay the debt; or vpon a payment made ſince the execution; alſo a wrong recouerie by an executor, whom the Prerogatiue Court doth afterwards diſavow. Such and the like ſuggeſtions are to be tried by another Iurie, vpon euidence to be produced to proue the ſaid allegation.

A ſtrict Law. This Common-Law is ſo ſtrict, that the Prouerbe is, *Summum jus, ſumma injuria*: for example, If a man ſeized of lands in Fee, hath iſſue two ſonnes, the eldeſt ſonne goeth beyond the Seas, and becauſe a common voyce is that hee is dead, the younger brother is taken for heire, the father dyed, the younger brother entred as heire, and alienateth the land with a warrantie, and died without any heire of his body, and after the elder brother commeth againe and claimeth the land as heire to his father: in this caſe by the Law, the eldeſt brother ſhall be barred by the warrantie of the younger brother. Againe, parteners cannot ſue each other by the Law: if two men haue a wood joyntly, and the one ſelleth the wood, and keepeth all the money wholly to himſelfe; in this caſe his fellow ſhall haue no remedie againſt him by the Common Law: for as they when they tooke the wood jointly, put each other in truſt, and were contented to occupie and deale together; ſo the Law ſuffereth them to order the profits thereof.

Parteners cannot ſue each other by the Law.

The Law therefore is not compleat without the Courts of Chancerie or Equitie, for the imperfection and rigour of it, are quilified thereby, called to be *Æquum & Bonum*, which may be conſidered in this caſe. Two ſtrangers joyntly did deliuer in truſt vnto a widdow woman a round ſumme of mony, with condition not to deliuer the ſame out of her hands, but when they both ſhould demand the ſame: within a while after one of them commeth vnto her, and doth aſſure her by good indices and probabilities that the other his companion is dead, and thereupon doth intreat her to deliuer him the money; which ſhe did, not ſuſpecting any fraud. ſo the party went away with the money. Afterwards commeth the other (who was ſaid to be dead) and demandeth the money of the woman, and vnderſtanding that ſhe had paied the ſame vnto the other, was much offended therewith, and cauſed her to be adjourned before the Iudge: The

woman

woman appearing did declare the matter according to the truth, ſhewing how the other had deceiued her, and ſhe did wholly rely vpon the integritie and juſtice of the Iudge. Here an Action of the caſe might haue beene brought againſt the woman by the Law, and cauſe her to ſeeke the party that had deceiued her: but the Iudge tempering the rigour of the Law, did giue ſentence, that the woman ſhould pay the mony vnto the partie, ſo as he brought his companion with him to demand the ſame, according to the couenant, they both joyntly hauing repoſed a truſt in her.

Example of Law and Equitie.

Here I call to minde the queſtion which no Iudge could determine: A couetous Doctor at the Ciuile Law would not inſtruct a young Student, vnleſſe he did pay him a great ſumme of mony, whereunto the Student did condeſcend, conditionally that he ſhould haue the firſt cauſe (he tooke in hand) to go on his ſide: whereupon it fell out, that the cauſe betweene him and the ſaid Doctor was the firſt cauſe, and ſo there could be no proceeding therein, the Student pleading the condition in Barre.

The Court of Chancerie is properly called a Court of Conſcience, becauſe it reaſoneth on the part of the complainant, by argument taken from the Law of Nature before mentioned, *Quod tibi fieri non vis, alteri ne feceris*: for in the Chancerie euery man is able by light of Nature to foreſee the end of his Cauſe, and to giue himſelfe a reaſon thereof, and is therefore termed a Cauſe; whereas at the Common-Law the clyents matter is termed a Caſe, according to the word *Caſus*, which is accidentall; for the party doth hardly know a reaſon why it is by Law adjudged with or againſt him.

Differenee betweeu Cauſe and Caſe.

The Chancerie therefore vpon Bill and Anſwere betweene the complainant and defendant, granteth an Injunction to ſtay the proceeding in the Courts of Common-Law, vntill the equitie of the cauſe be examined: and if there be no matter of equitie found, then the cauſe is diſmiſſed to the Law againe, with coſts to the partie. Merchants cauſes are properly to be determined by the Chauncerie, and ought to be done with great expedition: but it falleth out otherwiſe, becauſe they are by commiſſions commonly referred to Merchants, to make report of the ſtate thereof vnto the Lord Chancellor; for the cuſtomes of Merchants are preſerued chiefly by the ſaid court, and aboue al things Merchants affaires in controuerſie ought with all breuitie to be determined, to auoid interruption o trafficke, which is the cauſe that the Maior of the Staple is authoriſed by ſeuerall Acts of Parliament to end the ſame, and detaine the ſame before him, without any di miſſion of the Common-Law, which ſheweth the neceſſarineſſe of the Office of Prior and Conſulls before mentioned.

Iniunction of the Chancerie.

Staple Lawes 27. E. 3.

The rather, for that the triall of an Action of Account at the Common Law is tedious. There are fiue maner of perſons accountable by the Law, namely, a Steward or Bailife, a Factor or Seruant, or a receiuer. Vpon an Action of Accompt the generall Iſſue to be pleaded thereunto is, *Ne vncques Receiuer pour account rendre:* this is firſt tried by a Iurie, and if the party be conuicted, and found accountable, then the Law doth appoint Auditors to take the account, by a commiſſion directed out of the court to Merchants and others, according to the nature of the cauſe, whereunto two Atturneys of the court are joyned. And when they haue taken the account, and finde wherein the differences doe conſiſt, then they are to certifie all their proceedings into the Court, and the accountant muſt make Iſſuable anſweres to be pleaded, whereupon eight, ten twelue or more iſſues ſhall be made, and then a ſecond Iurie is called to trie all theſe ſeuerall Iſſues vpon peremptorie points, and ſo vpon euery Iſſue there is giuen a particular verdict, and ſometimes an eſpeciall verdict, which is to be determined by the court againe. All theſe long proceedings make long records, ſubject to many errors: and becauſe all theſe ſeuerall Iſſues are tried by one Iurie, & vpon one record, together with the former proceedings, whereby the other Iurie found the party accountable, if in any, or in the whole, materiall error be found, then all is ouerthrown & the parties are to begin againe *de nouo*. And it may fall out, that then they will joyne other Iſſues, and ſo run into a Labirinth, ſo that matters of account are properly to be determined of the Chauncerie: and it were to be wiſhed, that therin more expedition were vſed, according to the lawes of Arragon, which concur with the courſe of the ſaid Court, as we are now to declare; leauing all other caſes triable by the Common-Law, according to

The triall of an Action of Account by Law.

their

their proper natures, as the triall of an Action Reall, which is done with ſolemnitie, and the like, to abreuiate things.

¶ *Of the Lawes of the Kingdome of Arragon.*

THe Lawes of Arragon being peculiar to that Kingdome, haue eſpeciall daies or times limited to euery particular proceedings of the proceſſe, whereby the ſame is diuided into ten (as it were) termes, which haue euery one their proper obſeruations, which the complainant muſt obſerue, and proſecute accordingly with expedition, as followeth.

1 When the party complainant calleth the defendant.
2 When they do appeare before the Iudge.
3 The defendant may alledge certaine exceptions.
4 Due anſwere is made to the complainants Bill.
5 The examinations of the parties, and their proceedings.
6 Witneſſes are produced, examined, and publication had of their depoſitions.
7 The parties do reaſon of the depoſitions, and the matter is brought to hearing.
8 When the Iudge giueth ſentence or judgement.
9 When execution is had vpon the ſentence, or the partie appealeth.
10 When the cauſe departeth out of that Iudges power before a higher authority.

Obſeruations of the proceedings of the Law of Arragon.

And all this is commonly done in foure moneths, with the obſeruations of the Law required, namely, the conſiderations ancident, which are worthy to be noted to preuent vnjuſt dealings.

1 Touching the firſt, the Iudge taketh not any notice thereof; for the proces is granted of courſe, vnleſſe it appeare that the complainant hath beene the ſlaue of the defendant, or the ſonne doe commence a ſuit againſt the father, or the ſeruant againſt his maſter, wherein (vpon good conſideration) licence muſt be had of the Iudge.

2 The ſecond, That they muſt appeare before the Iudge at three ſeuerall times of ten daies, or thirtie daies at any one time, which is peremptory; after which, there lyeth a contempt againſt the party not appearing: during which time, the Iudge doth proceed according to the nature of the action, and the Maximes of the Law, which are compiled together to judge by, and ſerue him for his direction; but in extraordinarie cauſes his conſcience leadeth him.

3 The third time, touching exceptions, is not only betweene party and party, but alſo againſt the Iudge for inſufficiencie of authority giuen him, if the cauſe ſo require.

4 The fourth time, three things are to be obſerued vpon the defendants anſwere.
1 Whether he denied all, or did confeſſe part or all.
2 Whether it be requiſit that the Iudge iudicially heare the cauſe, or elſe (according to the defendants anſwer and confeſſion) iudge him to pay or ſatisfie the matter within nine daies.
3 That after the conteſtation of the ſuit, there be no matter of any dilatorie exceptions alledged to hinder the proceedings, but rather peremptorie exceptions, to bring the matter to a definitiue ſentence.

5 The fifth time, foure things are to be obſerued, namely,
1 The complainant muſt ſweare, That he is perſwaded that he demandeth a juſt and right demand; and the defendant likewiſe, that he defendeth his right.
2 That they ſhall ſpeake truth to that which ſhall be demanded of them.
3 That they ſhall not require (without juſt cauſe) any time of prolongation.
4 That they haue not, nor will attempt to corrupt witneſſes.

6 The ſixth time, vpon the conteſtation and interlocutorie ſentence, you muſt obſerue nine things.
1 That the witneſſes be preſented in preſence of the party againſt whom they are produced.
2 That they be free-men and honeſt, and not hired nor corrupted.
3 That they be ſworne, and the producent paieth his charges.

4 You may inquire of the party that doth produce the witneſſes, as alſo of the witneſſes by certaine articles, what may appertaine to the cauſe, in regard of their admittance for to be ſworne, becauſe their depoſition is the ground of the matter.

5 That the plaintife hauing had three ſeuerall times to produce his witneſſes, ſhall not haue any other time to examine any more, vnleſſe he do ſweare, that he knoweth not what the former witneſſes haue depoſed, and the Iudge do aſſent thereunto.

6 If the witneſſes haue declared any thing obſcurely, they may declare the ſame more plainely, if the Iudge do deſire the ſame at the intreatie of the partie, according as he ſhall direct.

7 After publication of the witneſſes depoſitions, there may not any other witneſſes be depoſed vpon the ſaid interrogatories, or any matter touching the ſame.

8 That the witneſſes be examined of the time, of the place, and of the caſe it ſelfe, whether they haue ſeene or heard the ſame, and what they beleeue or know thereof, or of the report they haue heard.

9 That (to auoid charges) there be not too many examined.

The ſeuenth time is, when all muſt be alledged which may any manner of waies make for the ſtate of the cauſe, and if it fall out that two witneſſes tell one tale (as it were) *verbatim*, their euidence is voide; and the eighth time the Iudge proceedeth to a definitiue ſentence; and the ninth time (which muſt be done within ten daies) the party may appeale, and thereupon for the tenth time, the pleyto or ſuit, with all the records, goeth out of that Iudges Court to a higher Court, where it may not depend aboue a limited time. A Maxime of the Law of Arragon.

The obſeruations do miniſter occaſion, that many controuerſies are ended without Law, for the parties are not ſure to obſerue theſe times, and the defendants which ſeeke delaies are not contented with ſo ſhort a time of pleading: the complainant alſo may know whether it be ſafe for him to take his oath as aforeſaid, that he is in conſcience perſuaded of his right; and moreouer paying a fine for wrong moleſtation, abridged (with them heretofore) the multiplicities of ſuits. To abridge the multiplicities of ſuits.

Omitting now to ſpeake of other Courts of equitie, and calling Law and Equitie to be the Common-Law, ſo much commended aboue the Ciuile-Law, by the ſaid M^r *Forteſcue*, ſometimes Lord chiefe Iuſtice of the Kings Bench in the time of King *Henry* the ſixth, who hath obſerued fiue points wherein the ſame conſiſteth; let vs obſerue many more to extoll the excellencie of the ſaid common-Law, as followeth ſummarily.

1 Firſt, becauſe of the antiquitie thereof, for that in all the times that the Realme was inhabited by fiue ſeuerall nations, the ſame was ſtill ruled by the ſaid Cuſtomes that it is now gouerned withall; which if they had not beene good, ſome of the Kings of theſe ſeuerall nations, moued either with juſtice, or with reaſon and affection, would haue changed or aboliſhed the ſame, eſpecially the Romanes who iudged all the world. Excellencie of the Common-Law of England.

2 Secondly, for that the Kings of England at their Coronation do take a ſolemne oath, to cauſe all the Cuſtomes of the Realme to be faithfully obſerued according to the former inſtitution.

3 For that the ſaid ancient Cuſtomes or Maximes thereof are inexpugnable, and do ſtand of their owne authoritie as Principles, which need no reaſon to confirme their authoritie, as the Lawes of *Solon*, *Draco*, *Carondas*, *Licurgus*, *Numa Pompilius*, and the Law of twelue Tables, &c.

4 Becauſe all differences and controuerſies, which happen betweene the King and his Subjects, are tried and determined by the Law; and if it be done in Parlement, or by the Iudges, it is ſtill according to the Law.

5 Becauſe the King perſonally giueth not any judgement, eſpecially when himſelfe is a partie, ſeeing it is againſt the Law of Nature to be both judge and partie.

6 For that notwithſtanding the deceaſe of the Kings of England from time to time, the Iudges of the courts of Record, that is to ſay of the Chancerie, of the Kings Bench, of the common Pleas, which doe ſit as Iudges by the Kings Letters Patents,

doe remaine authoriſed, and their power ended not immediately with the King; howbeit the ſucceeding Kings do confirme them in their offices, whereby all ſeditions are preuented during the *inter Regnum*.

7 For that with indifferencie, without regard of perſons, it commandeth as well the Nobilitie and other perſons of dignitie by way of vtlagare or outlaw as the meaneſt Subjects.

8 For exerciſing a power ouer the Iudges, which are not to judge of the Law, but by the Law: and therefore is the word *Iuditium* properly attributed to their determinations; euen as the word *Decretum* is vnderſtood of the ordinances or ſentences of the Magiſtrates, following equitie (as it were) without Law. For there is the like proportion betweene the Law and execution thereof, called *Legis Actio*, as there is betweene Equitie and the dutie of a Magiſtrate, called *Iudicis Officium*.

9 For that the officers thereof are authoriſed according to the qualitie and due execution of it, by a proportionable diſtribution, namely, The Iudges for terme of life, and officers ſubalterne changing from yeare to yeare, to the end the adminiſtrarion of juſtice may be more indifferent.

10 For the diuerſitie of the triall thereof in ſeuerall Courts, according to Law and Equitie, is the cauſe of an agreeing and moſt neceſſarie diſcord, as it were, *Concordi Diſcordia*, whereby the bodie of juſtice is ſupported by ſtriuing, as the ſtones vpholding a vault, as *Cato* ſaith.

11 For that the Iudges in criminall cauſes do change from time to time their circuits, and inferiour Iudges of the Court doe execute the place as well as ſuperiour Iudges, whereby partialitie is preuented.

12 For that the Law tendeth moſt carefully for the good and preſeruation of life and goods of euery good and honeſt man; ſeeing that euen in criminall cauſes, it hath prouided (as much as may ſtand with juſtice) a helpe and fauor, permitting the Iudges to order the pleading of offendors and to inſtruct them to auoid miſpleading, and giuing them leaue to except againſt the Iurors, which they diſlike.

13 For that it doth forbid the ſale of offices, thereby intending due adminiſtration of juſtice; for where offices are ſold (as it were) by the Great, there juſtice is commonly ſold by Retaile.

14 Becauſe the ſame is moſt agreeable with the nature and diſpoſition of the people, and the qualitie of the countrey, which by reaſon of the fertilitie, affordeth very conuenient meanes for the triall thereof by Iuries of twelue men, the nature of the people being gentle.

15 Becauſe men are to reduce the ſtate or iſſue of their cauſe vpon one peremptorie exception to be tried by the verdict of twelue men, whereby matters are determined with expedition.

16 For that it commandeth not any thing, but what is honeſt, reaſonable, and poſſible in it ſelfe, and all impoſſibilities are excluded thereby.

17 For that thereof may be made an Art or Science in manner before declared, ſeeing the ſame is finite in her Precepts, according to the old Maximes or Principles, whereunto euery thing being reduced and explained, as aforeſaid, all ambiguities and darke ſentences would be taken away, and the Iudges ſhould eaſily giue a cleare vnderſtanding thereof, according to the order of *Solon*, who made the Areopagits of Athens to be as Guardians of the Law.

18 For that the triall thereof by a Iurie of twelue men vpon one point peremptorily or in certainty is briefe and ſubſtantial, becauſe the witneſſes which are produced before them (by whoſe euidence the ſtate of the cauſe is made) muſt be approued by the verdict of twelue men, as aforeſaid.

19 For that matter of Fact is diſtinguiſhed from the matter of Law, and is accordingly decided either by the Iurie, vpon the matter of Fact, or by the Iudges vpon Demurrer or otherwiſe vpon the matter of Law.

20 For the indifferencie of the triall of controuerſies and queſtions betweene the natiue ſubjects and aliens: for they may haue their trialls *Per medietatem linguæ*, that

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is to ſay, halfe the Iurie of ſtrangers and the other halfe of Engliſh ſubjects, to auoide partialitie.

21 For that the Sarjeants and Councellors at the Law are to giue councell, and to helpe the poore, which are not able to proſecute Law at their owne charges, which they do *in forma pauperis* by direction of the Lord Chancellor, and the Lords chiefe Iuſtices of the Kings Bench and Common Pleas.

22 Finally, the Common Law is excellent for hauing fewer faults and imperfections than any other Law, being moſt ſufficient to vpold the common-wealth in quietneſſe.

Thus the Common Law of England, hath like a Queene a Predominant power, from whence proceedeth mutuall loue and ſure amitie from the Prince to the ſubjects; and from the ſubjects againe due obedience to the Prince in a moſt pleaſant harmonie and concord, deſeruing the name of a Law receiued, publiſhed and recorded, without any reaſon to be rendred for the ſame (as it were) *Lex cum Prologo*, wherewith *Senica* found fault when he ſaid *Iubeat lex, non ſuadeat*. And as the Law is deriued *à ligare* to bind, ſo is the whole State of the Common-wealth bound to the head, and may be made eaſier in practiſe: for as the ſaid *Senica* ſaith, *Nil eſt quod pertinax opera, & diligens cura, non expugnat*.

¶ *Of the Lawes of the Kingdome of France.*

THe Lawes of France are either written or cuſtomarie, and according to this diuiſion the countrey is diuided. Acquitanie, and a part of Celtica next vnto it, is called *Pays de Droict eſcript*, becauſe the Ciuile Law of the Romanes is there in force: the reaſon whereof is thought to be, becauſe the Romanes did continue long in thoſe parts after the Frankes had made a thorough conqueſt of the other. Belgica and the other part of Celtica is called *Couſtumier*, becauſe for the moſt part they are gouerned by their ancient cuſtomes, which amongſt them haue the force of Lawes: howbeit neither the Ciuile Law, nor the cuſtomarie are further in force than they are agreeable with the Edicts of the King.

Written Lawe.

Ancient Cuſtomes.

Vnderthe Law written are comprehended,

The Ciuile Law.

The Kings Edicts and Ordinances made by aduice either of the priuie Councell, or of the three eſtates, and

The Arreſts or ordinances of the Courts of Parlement.

In the erections of their vniuerſities of Law, the King expreſly declareth, That they are not bound to the Ciuile Law, neither receiue it for further vſe than to draw inſtructions of good gouernement and reaſon from it, as appeareth in the Charter at Orleans, by *Philip le Bell*, *Anno* 1312, wherein he ſheweth that this Realme is gouerned by Cuſtome, and not by the Ciuile Law; except in ſome Prouinces, which the Kings haue permitted in ſome caſes ſo to doe, not as bound, but as willing to continue the Law which their ſubjects of ancient time haue vſed. So that the Ciuile Law generally is not in force, but only for direction and forme of pleading and proceeding in the order of the proceſſe: and where it is moſt in force the Courts of Parlement haue authoritie to conſtrue and interpret it, as they thinke good.

Of all the written Lawes in France, the Ordinances and Edicts of the King are moſt in force; inſomuch as they are acknowledged for the onely Lawes, and all other haue their life from them, and are ſo farre forth auaileable as they are ſtrengthened by them.

The arreſts of the Courts of Parlement are of great authoritie, being pronounced in the name of the King, and are as lawes to be followed in all caſes.

In like manner their Ordinances are to be followed onely during the time that the King prouideth, not otherwiſe, and in their owne circuit onely; for they haue not authoritie to make lawes generall and perpetuall.

The Cuſtomes which diuers Prouinces claime, are of late weares drawne into writings and publiſhed in Print, for the more eaſie vnderſtanding of them, and the auoiding of confuſion; ſo that now all the Lawes of France may bee ſaid to bee written Lawes: this was begun in the time of *Charles* the ſeuenth, *Anno* 1453, and ordered alſo in the time of *Henry* the third, *Anno* 1579.

Subſidies and impoſitions.

This manner of gouernement cauſeth ſubſidies and impoſitions to be made as reuenues of the Crowne by the Kings authoritie; which were at the firſt granted by the three eſtates, vpon vrgent neceſſitie of the affaires of the Realme only, but now they are growne to be ordinarie. *Charles* the ſeueth was the firſt that made them ordinarie for the payment of ſouldiers, *Francis* the firſt, and *Henry* the ſecond did the like.

Clergie, Nobilitie, and Comminaltie.

Perſonall ſubſidies are taken by the pole, whereof Eccleſiaſticall men, Noblemen, and Officers of the King, Queene, and children are exempted.

Reall or patrimoniall ſubſidies are leuied by lands in ſome prouinces, as Languedoc and Prouence, whereof no perſons are exempted.

Mixt ſubſidies are leuied of the yeomandry, and ſome perſons of meanes.

The greateſt impoſition is vpon Wines, now fifteene ſouls vpon euery mew.

Magazins of ſalt.

And vpon Salt, appointed by *Philip de Valois*, called Magazins or Gremers for ſalt, forbidding Merchants to trafficke for it, ſetting a rate of foure deniers vpon euery pound of ſalt. *Francis* the firſt made the ſame perpetuall, as the domaines of the crowne; and all men are compelled to buy it at the Magazins, vpon paine of puniſhment. This impoſt is letten to farme for two millions of crownes, or ſix hundred thouſand pound ſterling yearely.

The right of the ſea belongeth to the King, and he may lay impoſitions 30 leagues from the land into the ſea, if no other ſoueraigne Prince be not within that precinct.

Courts of Parlement.

There are eight courts of Parliament in France, and eight chambers of account.

Courts of accounts.

At Paris erected 1302 by *Philip le Bell.*	At Paris.
At Thoulouſe alſo, and confirmed by *Charles* the 7.	In Britaigne.
At Grenoble 1453 by *Lewis* the 11.	At Dion.
At Bourdeaux 1462, by *Lewis* the 11.	At Montpellier.
At Aix 1501, by *Lewis* the 12.	In Dolphine.
At Dion 1476, by *Lewis* the 11, for Burgondie.	In Prouince.
At Roan 1449, by *Lewis* the 12 for Normandie.	At Blois.
At Rheames 1553, by *H.* the 2, for Britainie.	At Roan.

¶ *Of the Salique Law of France.*

IT is an vſuall receiued opinion, that *Pharamond* was the author of this law: others thinke it was ſo called of the Gaules, that were called Salie, amongſt whom that Law was eſtabliſhed; for the ancient Gaules termed all their lawes either Ripuarie or Salique, and in the time of *Charlemane* they were called Saliques. Neuertheleſſe it is thought to haue beene inuented of latter time, as by *Philip le Long*, to fruſtrate the daughters of *Lewis Huttin*, or elſe to haue had the firſt ſtrength from an vſuall cuſtome of all Barbarians, which was neuer to ſuffer the females to inherit the crowne: and ſo being begun in the firſt and ſecond line of the kings, it hath continued in the third, and by cuſtome it is rather confirmed, than to be proued to be a law at any time ordained, hauing beene little account made thereof, vntill the controuerſies betweene *Philip le Long* and *Endes* duke of Burgondie, who claimed it for his neece *Iane*, daughter to *Lewis Huttin*, and *Philip de Valois* with *Edward* King of England. The booke of the Salique Lawes is but a collection, howbeit, there is no example euer heard of, that any woman gouerued.

¶ *Of the Lawes of the higher and low Germanie, concurring with the Ciuile Law and the Courts of Equitie in ſubſtance.*

THe courts of Equitie beyond the ſeas, after bill and anſwere, replication and rejoynder, and ſometimes duplication, and at laſt concluſion, with the examination of

of witneſſes in ſerious manner; The whole proceedings are deliuered to certaine Doctors or learned men which are as Maſters of the Cancerie, or belonging to certaine Vniuerſities) to be abreuiated, which is called *ad rotulandum*, who do cut off all ſuperfluous things which vpon the matter are confeſſed on both ſides, or are not materiall to the ſtate of the cauſe, to bring the differences between the parties to certaine points or heads, wherupon the ſaid parties (with the aduice of the aduocates or learned counſell) do diſpute and debate the ſaid differences to bring them (as it were) ripe and perfected before the Iudge. For if the defendant will take (couertly) any exceptions againſt the Iudge of that iuriſdiction, he may haue the whole proceſſe made vp in the name of *A.b.* and *C.D.* as it were complainant and defendant, without naming either of the parties, and the ſame to be ſent vnder the towne ſeale vnto Doctors, or other learned men of Vniuerſities, elected thereunto in other inriſdictions, which do giue their ſentence or judgement thereupon, and returne the ſame backe againe vnder ſeale, before the Iudge where the cauſe was depending; who calling both parties before him, demandeth of them, whether he ſhall open the proceſſe, and whether they will ſtand to the judgement therein contained? and if the complainant deſcend thereunto, then is the defendant thereby concluded, ſeeing he had his choice, and did (in a manner) appeale from the Iudge, whereupon execution is preſently had, and matters are ended with expedition.

To abreuiate long proceſſe.

By the premiſſes we may obſerue, how other lawes are variable, and ſubject to alteration, and that the Law-Merchant is conſtant and parmanent in her cuſtomes, which therefore are not to be infringed, but ſeriouſly to be maintained by all the foure precedent meanes, or ſome ſelected courſe of execution to be deuiſed, concurring with the ſame. For the better furtherance whereof, and more exact explanation, by contraries, I haue for a Corrollarie of this worke added hereunto three Paradoxes alluding to the ſaid three Eſſentiall parts of Traffick, which will illuſtrate the moſt material conſideration to be had in the courſe of Trafficke and Trade.

CHAP. XVIIJ.

Three Paradoxes alluding to three Eſſentiall parts of Trafficke.

HAuing heretofore publiſhed a Treatiſe intituled *Englands view in the vnmasking of two Paradoxes*, which had beene preſented vnto the French King *Henry* the fourth, as a matter of great conſequence, and conſiderable in the gouernement of com non weales; and finding that the true vnderſtanding of them) with a third Paradox obſerued by me) did properly allude to the contents of this booke, or the three Eſſentiall parts of Trafficke, namely Commodities, Money, and Exchange for money, I did reſolue to handle the ſubſtance of them for a Corrallarie of the ſame, the rather becauſe Paradoxes sre things contrarie to the vulgar opinion, and will alſo make all the premiſſes more manifeſt and apparant by their concluſion.

Paradox, what it is.

The ſaid two Paradoxes preſented by *Monſieur Maleſtroit* one of the officers of the Finances or Treaſurie in Fracce, where as followeth, ſaying,

1 *That to complaine of the generall dearth of all things in France was without cauſe, for there was nothing growne deere theſe three hundreth yeares.* Commodities.

2 *That there is much to be loſt vpon a crowne, or any other money of gold and ſiluer, albeit one do giue the ſame in payment at the price he did receiue the ſame.* Money and

The

The third Paradox which I haue added hereunto, is,

Exchange.

3 *That the imaginarie monies ſuppoſed in Exchanges for mony, made by Bills of Exchanges, do ouerrule the courſe and propertie of Reall and Subſtantiall monies* in ſpecie.

Monſieur Maleſtroit ſaith, that ſince the ancient permutation hath beene changed in buying and ſelling, and that the firſt riches of men (which conſiſted of cattell) was transferred to the gold and ſiluer, whereby all things haue receiued their eſtimation; it followeth that thoſe mettalls are the right judges of good cheape or dearth of all things.

Gold and Siluer are the Iudges of good cheape or dearth.

We cannot ſay that any thing is dearer than it was three hundred yeares agoe, vnleſſe that for the buying thereof we muſt now giue more Gold and ſiluer than we did then: But for the buying of all things, we doe not giue now more Gold or Siluer than we did then; therefore (ſaith he) nothing is growne deerer in France ſince that time.

To proue this, he doth alledge, That during the raigne of King *Philip de Valois*, in the yeare 1328, the French crowne of the flower-deluce (as good in weight and fineſſe as the French crowne of the Sunne now) was then worth but twentie ſoulz tournois, commonly accounted to be two ſhillings ſterling. In thoſe daies (ſaith he) the French elle or yard of Veluet was worth foure liuers, which is foure crownes, or eight ſhillings ſterling: the ſaid elle of Veluet doth now coſt ten liuers, or twentie ſhillings, and the French crowne which was then valued at two ſhillings, is now valued at fiftie ſoulz, or fiue ſhillings; ſo that foure crownes doe make the ſaid twentie ſhillings, yet the ſaid French crownes do not containe more gold in weight or fineſſe than before; and conſequently the veluet is not now deerer than it was then.

The gentleman that hath now fiue hundreth liuers by the yeare to ſpend, hath no more than he that had one hundreth liuers to ſpend in thoſe daies: and in like manner he proceedeth for Corne, Wine, and other commodities, and thereupon concluded, That the dearth of all things, is but imaginarie, and a vaine opinion to conceiue that things ſhould be deerer now than in thoſe daies.

The ſecond Paradox.

THere is muſt to be loſt vpon a Crowne, or any other money, although the ſame be giuen in paiment at the price it was receiued.

This (ſaith *Monſieur Maleſtroit*) is an old and common error, rooted in the judgement of moſt men, that are far from the marke and without their reckoning, as he will manifeſt in the former termes.

In the aforeſaid time of King *Philip de Valois*, the French crown aforeſaid was worth but twentie ſoulz, which is now currant for fifteene ſoulz.

The gentleman that had fiftie ſoulz rent or income, did receiue for it two crownes and a halfe, or ſo much in ſiluer accordingly; for which two crownes and a halfe hee had halfe a yeard and halfe a quarter of Veluet, after the rate of foure liuers the yeard, which was the price of Veluet then: now for this fiftie ſoulz the gentleman doth receiue but one crowne, or ſo much of ſiluer money and for that one crowne now he can buy but one quarter of a yeard of veluet after the rate of tenne liuers that veluet is now worth, whereas before he had halfe a yeard and halfe a quarter, although he haue giuen the ſame in paiment for fifty Sols, which is the price for which hee receiued the ſaid Crowne; and ſo proceedeth with other the like examples in the buying of commodities with ſiluer coyne, or in the receiuing of rents or incomes, adding further thereunto, that if any man will obiect and ſay, I care not what the crowne liuer or ſoulz is worth, ſo as I hauing a hundreth liuers of rent paied me, and that I can pay out again the ſaid hundreth liuers. This man (ſaith he) muſt then make proofe that he can haue now as much ware for two ſoulz, as he could haue had in times paſt for two ſoulz which were of fine ſiluer, and now almoſt of copper, and in doing ſo he ſhould make a third Paradox more ſtrange than the former: for he ſhould go about to proue euery thing to be become better cheape, which cannot be proued.

The

The ſubſtance and intention of theſe two Paradoxes is (ſaith hee) to ſhew that the King and his Subjects doe buy all things as deere as in times paſt, for that they muſt giue as great a quantitie of gold and ſiluer as in times paſt: but by the inhauncing of the price of the monies of gold (from whence of neceſſitie proceedeth the abating of the ſiluer mouies;) the King doth not receiue in payment of his reuenues, ſuch a quantitie of gold and ſiluer, as his predeceſſors. In like manner, Noblemen, and Gentlemen that haue great reuenues and incomes, doe not receiue ſuch a quantitie of gold and ſiluer as in times paſt, but are paied (as the King is) in copper in liew of gold and ſiluer. For which copper, according to the ſecond Paradox, they cannot haue ſomuch wares, as they might haue for the like quantitie of gold and ſiluer: ſo that the loſſe which we haue by the growing deere of all things commeth not by giuing more, but by receiuing leſſe quantitie of gold and ſiluer than before; whereby we ſee manifeſtly that the more we do inhaunce the price of money, the more we loſe.

Inhauncing of gold abateth the ſiluer, in regard of proportion betweene them.

Monſieur Bodine, the famous and learned politiatin, tooke vpon him to make anſwere to thoſe two Paradoxes, being of another opinion, and ſetteth downe other cauſes of the dearth of things, which are fiue in number, namely;

The great French Politician.

1 The principall and almoſt onely cauſe: the aboundance of gold and ſiluer, now extant in the Kingdome more than in times paſt.
2 The Monopolies.
3 The want of things cauſed by exceſſiue Trade and waſt thereof.
4 The pleaſure of Princes that aduance the price of things.
5 The alteration of the Valuation of Monies.

To proue the firſt caſe and principall, he alleageth diuers examples: *Plutarch* and *Pliny* do witneſſe, that *Paulus Æmilius* after the conqueſt of Macedon againſt the Perſians, did bring ſuch abundance of gold and ſiluer to Rome, that the people were freed of all Impoſts, and the price of Lands aduanced vnto two third parts ſuddenly. The Emperour *Auguſtus* brought ſuch great treaſure from Ægypt, that the price of vſurie did decreaſe, and lands became much deerer: and the like of Ieruſalem by the comming of the Queene of Candace: and in the Weſt-Indies by the Spaniards conqueſt there: and hereunto he maketh a compariſon of the want of monies in times paſt, for the paiment of the ranſome of Princes taken Priſoners in thoſe daies, and the meanes of the increaſe of wealth by the diſcouerie of the Weſt-Indies; the propagation of the people in France, their trade for Turkie and Barbarie, their Banke at Lyons, and other accidents.

Examples of great wealth.

The French King *Iohn* in England, &c.

Concerning the ſecond cauſe, of Monopolies, he doth paſſe ouer the ſame as a matter not conſiderable, and doth limit Monopolies onely to the combination of Merchants and Artificers, in the ſetting of a price to commodities, or their handy worke, by augmenting their wages.

Touching the third cauſe of the dearth of things, by the want or waſt of them, he obſerueth ſome eſpeciall things; that corne and wine are better cheape during the time of warre, than peace: becauſe the Husbandman is driuen to ſell and to make money of his wares, and the Gentleman finding the ſame periſhable, when the Merchant dare not lade his ſhips, doth abate the price of commodities, and maketh the people to liue good cheape; which according to the Prouerbe (*France can neuer be famiſhed*) would alwaies continue, if by the meanes of the ſtranger their ſtorehouſes were not emptied.

The Fertilitie of France.

Concerning the fourth cauſe of the pleaſure of Princes, impoſing a price vpon commodities which they do affect: *Plato* ſaith, That it is a generall rule in State matters, That Princes do not onely giue Lawes vnto their Subjects, but alſo by their example they doe change the manners of men: to which purpoſe hee doth vſe the example of their King *Francis* the firſt, who being hurt in the head, cauſed his haire to be cut off, wherin the people did preſently imitate him: We haue ſeen (ſaith he) three great Princes ſtriuing (as it were) who ſhould haue the moſt learned men and beſt artificers, namely, the ſaid great King *Francis* the firſt, *Henry* the eight King of England, and Pope *Paul* the third; inſomuch that the King of England could neuer haue the learned and

The example of Princes, doth change the manners of men.

reuerend

reuerend *Beda*; and the French King, did pay 72000 Crownes for a Diamond, rather than King *Henry* ſhould haue had it. Hereupon preſently the people did giue themſelues to ſtudie and to buy pretious ſtones, when the Nobilitie did imitate the King: and when the King gaue ouer the ſame, the price of them was much abated.

If any man ſhould here obiect (ſaith *Monſieur Bodin*) that if things ſhould ſtill become deerer, partly through the waſte, and partly for the abundance of gold and ſiluer, no man ſhould be able to liue becauſe of the dearth of things. It is true, but the wars and calamities happening to a Common-wealth, doe ſtay the courſe of it, as we may note, that the Romans haue liued with ſcarſitie, and to ſpeake properly in want and miſerie almoſt fiue hundreth yeares, when they had but copper moneyes of a pound weight, and without ſtampe: for their gold and ſiluer came vnto them in one hundreth and twentie yeares by the ſpoile of all the world, which was brought to Rome by the *Scipions*, *Paul Emilyus*, *Marius*, *Sylla*, *Lucullus*, *Pompey*, and *Cæſar*, eſpecially by the two laſt: for *Pompey* did conquer ſo much land, as made the reuenue of the Empire to be eight millions and a halfe of Crownes. *Cæſar* notwithſtanding all his prodigalities, brought to the treaſurie forty millions of Crownes, hauing giuen at one time vnto *Paul*, Conſull, nine hundred thouſand Crownes to hold ſilence; and vnto *Curion*, Tribune, 1500 thouſand Crownes to take his part. *Marke Anthonie* went further, as *Plutarch* and *Appian* haue written, for he gaue vnto his armie for their ſeruice done, two hundred thouſand talents, being 120 millions of Crownes: ſo did *Adrian* the Emperour to haue the good will of fortie Legions giue ten millions, whereby appeareth great abundance of gold and ſiluer to haue beene at Rome, but it did not laſt euer: for in leſſe than three hundreth yeares the Parths, Goths, Hercules, Hongres, and other cruell Nations did ouercome the Empire and all Italie, and ouercame the Romanes, burned their Citie and tooke the ſpoile of them. The like doth happen vnto all Common-weales to waxe and increaſe by little and little, and to flouriſh for a time in wealth and power, and afterwards to grow old and decline, vntill they be vtterly ruinated and deſtroied.

Copper monies of one pound weight.

Great wealth of the Romanes.

The propertie of Common-weales.

Touching the laſt cauſe of the dearth of things by the alteration of money, he ſheweth how *Monſieur Maleſtroit* hath miſtaken the matter in the monies themſelues made within three hundreth yeares. For whereas he ſaith, That Saint *Lewis* cauſed the firſt ſols to be coyned, worth twelue deniers, whereof ſixty foure pieces went to the marke weight of eight ounces; and that in *Philip de Valois* his time, the Crowne of the Flower de Luce without number, and as good as the Crownes now, was valued but at twentie ſols, and that afterwards King *Iohn* cauſed the Frankes to be made of fine gold, which were but valued twentie ſols, and that the ſols of ſiluer was worth fiue of our ſols: he doth not ſay of what weight and fineneſſe the monies were in thoſe daies, and in concluſion he ſaith, That the price of things is not altered by the Valuation of monies.

But if *Monſieur Bodine* (according to his wiſedome and deepe iudgement in other matters) had duely conſidered of theſe two Paradoxes, he would haue made a direct anſwere thereunto before he would haue proceeded in his former diſcourſe.

The firſt Paradox being conſidered with the ſecond, will ſhew a manifeſt contradiction or contrarietie: for the firſt doth conſiſt in giuing of more gold and ſiluer for commodities now, than in times paſt, which he denieth: and the ſecond, in receiuing leſſe commodities for the gold and ſiluer now, than in times paſt, which he affirmeth; which both waies is to be taken in nature of commutation.

The contrarietie of the Paradoxes.

Now if we do not giue more quantitie of gold and ſiluer for commodities than in times paſt; how can we receiue leſſe commodities for the gold and ſiluer, and thereby receiue a loſſe, as in the ſecond Paradox is alleaged?

Againe, if we do receiue leſſe quantitie of commodities for gold and ſiluer than in times paſt, according to the ſecond Paradox, whereby we ſuſtaine a loſſe; how can the firſt Paradox be true, That nothing is growne deere, for that we giue no more quantitie of gold and ſiluer than in times paſt, commodities and monies lying by this compariſon in an equall ballance?

But

But let vs admit, that *Monſieur Maleſtroit* had an intention, which he might haue expreſſed in few words, if hee had had the true ground, and vnderſtood the matter he went about, by prouing only that when moneys do alter in weight, or in fineneſſe, or in valuation, or in all three, the price of things doth alter onely by denomination, if the valuation be made accordingly: yet *Monſieur Bodine* had not made a good interpretation of the ſaid Paradoxes, and miſtooke the true ground of the matter in queſtion touching the prices of commodities, which hee compared within themſelues in the Realme of France, whereas the compariſon ought to be of the inhancing of the price of the commodities of one country, with the price of the commodities of other countries, and therby find out, whether things are grown deer with vs or with them in effect. So that they both miſtaking their grounds, we haue ſhewed in the ſaid Treatiſe, That they (hauing loſt *Ariadne* her line, wherwith they entred into the laborinth of monies and their properties before declared) are like to a man who hauing loſt his way among the woods, the further he goeth, the more he erreth from the right way.

Cauſes of the denomination of monies, &c.

To intreat therefore of commodities and money, in the courſe of traffick betweene Kingdomes and Common-weales is not ſufficient: but the exchange of monies, being the publike meaſure between them muſt be regarded, as the principall and ouerruling part thereof.

For if a man ſhould frame a ſiligiſme in manner following, hee ſhall find the ſame full of fallacies and miſpriſions, nay a very *Dilemma*.

Nothing cauſeth Merhants to export more money out of the Realme than they bring in, but only the bringing in of more commodities into the Realm than they carried out;

The vnderualuation of our moneys, cauſeth no more commodities to be brought into the Realme than is carried out;

Ergo, the vnderualuation of our monies, cauſes not more mony to be carried out of the realme than is brought in, as is declared in our laſt treatiſe to hinder the inhancing of our monyes, which by the treatiſe of free trade (lately publiſhed) was inſiſted vpon.

The maintenance of Free Trade.

We do alſo finde, that in the yeare 1577, *Monſieur Garrault* one of the French Kings Councell did exhibit two Paradoxes concerning monies, which may (in regard of the former) ſeem more paradoxicall or ſtrange, not only to the vulgar opinion, but alſo to the iudgement of the wiſer.

The firſt is an aſſertion, *That moneys haue not changed their values.*

The other, *That by the inhancing of the coyne, or the price of moneys, the price of commodities becommeth abated and good cheap; and that by the reduction and abatement of moneys euery thing becommeth dearer.*

To other Paradoxes.

And for as much, ſaith he, that the matter of money is full of probleames, and may be diſputed on both parts, his deſire is, that ſome gentle ſpirit might bee ſtirred vp to diſcourſe of the reaſons which may be alleadged.

Touching the firſt, *That the value of moneys is not changed*, (omitting to ſpeak of the Cicle of the Hebrewes, the Staters of the Perſians and Greeks, and the As or Denier of the Romans,) he ſaith, That K. *Lewis* 11 did reduce the diſorder of moneys to their former eſtate of K. Saint *Lewis*, when the Denier of gold was eſteemed (in weight) to 12 Deniers of ſiluer, which is properly to be called the proportion betweene the gold and ſiluer heretofore noted: and hereupon he ſhewes how the ſaid proportion hath bin altered; yet ſo, that the ſiluer was alwaies made correſpondent to the gold, and when the gold either in the marke weight of 8 ounces, was inhanced, and conſequently in the peeces or coins; the ſiluer was likewiſe inhanced proportionably, oberuing the ſaid 12 to 1; or ſometimes thereabouts, either a little ouer or vnder; and this cauſed him to ſay, That moneys had not changed their values, it being onely a compariſon made between the gold and ſiluer, which is by weight, and not by valuation to be applyed vnto euery peece of coyne, eſpecially to the French Crowne of the Floure-de-luce or Sun; and the piece of ſiluer called Douzaine, alluding to the ſaid 11 to 1, and the application thereof vnto the price of commodities is more abſurd. The weight of 12 of ſiluer to 1 of gold maketh not the valuation of the marke weight of gold and ſiluer, much

leſſe the valuation of the peeces coyned of the ſaid marke, whereby we ſee how one diſtinction is able to diſpell and diſperſe the foggie myſteries of deceitfull fallacies, as the Sun driues away the winde and the clouds, heretofore by me obſerued.

Concerning the ſecond Paradox, he ſaith, that many are of opinion, that the inhancing and augmentation of the price of moneys engendreth a deerneſſe of all things, *quia ſunt præcia rerum:* And that euen as, *pro imminutione quæ in æſtimatione ſolidi forte tractatur, omnium quoque præcia rerum decreſcere oportet, pari ratione, ſi quod tractatur incrementum quoque & præcia rerum creſcere debent*, Which opinion (ſaith he) is grounded on the politicke rule, That the value of moneys giueth eſtimation vnto all things, which is not ordinarily obſerued: for Princes and Magiſtrats are many times conſtrained to endure the incommodities of the time, by their prudence and vnderſtanding; ſo that all lawes are not obſerued, by conſequence following each other, whereby it commeth to paſſe, that the price of wares followeth not the price of monies, but the common cuſtome; for money was made to no other end, but to maintain and continue the trade of merchandize, by means wherof the commodities and neceſſaries are brought from one place to another to auoid the antient painefull and troubleſome permutation: which trafficke is two-fold, namely, within the Realme, and in forreine countries: within the Realme the money is more commodious than neceſſarie, but for the ſtranger moſt neceſſary, and therefore muſt be of a fine ſubſtance, as gold and ſiluer, to be incloſed in a ſmall room, to tranſport great matters from one place to another: and if we will meerly conſider of this ſubſtance and effect of ſtrange negotiation, we ſhall find nothing but a masked permutation of one thing for ſome certaine quantity of gold or ſiluer: for he that traffacketh in forreine countries hath not ſuch regard to the value impoſed vpon money, as to the intrinſique goodneſſe which giueth the value, and hath the ſame function in other places, according to which inward goodneſſe, he ſetteth a price vnto his commodities, to make thereof the like quantitie of gold or ſiluer as he hath laied out ouer and aboue his charges and profit; ſo that the monies remaining ſtable and firme, the price of Wares and Merchandiſes remaineth certaine without any augmentation, to ſhew that there is no inhauncing of the price, becauſe of the augmentation of the price of monies, which will make vs hereafter to ſee the good cheapneſſe of all things (as he ſaith) for he that cauſeth ſome ſorrein commodities to come within the realme, knowing the alteration of the price of monies, according to the vnbridled will of the people, will make the price of his commodities accordingly. And this the ſaid *Monſieur Garrault* doth declare by examples of veluets and other commodities, and therefore he is of opinion, that monies inhanced ſhould be reduced again to their price, and that all debts made before that time ſhould be ſatisfied *à lequipollent*, according to the rate, *vt pecuniarium vna & eadem ſit ſemper poteſtas, & perpetua eſtimatione difficultatibus permutationum, æqualitate quantitatis ſubveniat, &c.*

A good obſeruation to be had by Merchants.

Many other reaſons (concurring with the former) are by him alledged, which I omit, becauſe the whole foundation of the ſaid Paradox, is meerely an abuſe of the people, as himſelfe hath noted, admitting alſo the tranſportation of money, and finally confeſſing the inhauncing of the price of monies, and conſequently the ſale of commodities accordingly. All which is far from the preſent courſe of trafficke, when the courſe of exchange is not conſidered withall, as ſhall be declared. True it is, as the Civilians ſay, concerning contracts of commodities ſold before the inhauncing of monies, that *valor monetæ conſiderandus & inſpiciendus eſt à tempore contractus, non autem à tempore ſolutionis*: but this not being obſerued was the cauſe that many Merchants agree to pay for commodities in currant money for merchandiſe, others that ſell commodities agree to be payed in ſpecies of ſo many Ducats, Dollers, French Crownes, or other coynes, which is of late yeares eſtabliſhed to preuent the inhauncing of coyne, and yet it cannot be ſufficient to preuent the ſaid incertaintie of the price of commodities. If the Standards of the ſayd moneyes were by allay of copper altered, much leſſe would the aduice giuen that Merchants accounts ſhould no more bee kept in liuers and ſoulz, but in French Crownes to hinder the inhancing of monies, which in

The power of money tranſferred to the Exchange of money.

ſome

ſome countries is ſecretly practiſed to be done of meere policie, when by publike authoritie it is forbidden, and might be effected, as within the realmes of England, Scotland, and Ireland, and other his Majeſties dominions, where the monies are not inhanced betweene man and man, and remaine currant according to their price, vntill the Kings authoritie do alter the valuation by Proclamation, albeit by exchange it is not ſo; and therefore according to my third Paradox, we ſhall finde,

The third Paradox.

That the imaginarie monies in exchange do ouerrule the ſubſtantiall monies in ſpecie: For the Merchants valuation of monies in exchange doth ouerrule the Kings valuation of monies within the realme. For when the King hath valued the ſhilling peece at twelue pence, Merchants vndervalue the ſame in Exchange at $11\frac{1}{2}d$, and $11d$, not onely in the price of exchange, but alſo receiuing beyond the ſeas the inhanced monies aboue their values, and not valuing of them in exchange accordingly, as before hath beene obſerued concerning the valuation of Monies and the imaginarie coines, or rather monies, whereupon exchanges are made for ſo many ſeuerall places.

Propoſition of the Earle of Donfermelling.

The late Earle of Donfermelling (Lord Chancellor of Scotland) did propound vnto the Kings Majeſtie in the yeare 1610, a certaine propoſition touching the inhauncing of gold, his lordſhip being of an excellent judgement in mint affaires, That the French crowne of the Sunne which went neuer in England (to vſe his owne phraſe) all Queene *Elizabeths* time, aboue ſix ſhillings Engliſh money, went now for ſeuen ſhillings and three pence, and that the Engliſh double ſoueraigne of twentie ſhillings went in France for eleuen francq; or twentie two ſhillings, and that both waies there had beene no alteration in the ſtandard. Whereupon he did demand, in writing, what was the cauſe of the ſaid difference or alteration, if this proceed (ſaid he) from the goodneſſe of the gold, that it is better in fineſſe and allay, or in weight, or from the weakeneſſe of the ſiluer, that it be worſe than it was either in fineſſe and allay, or in weight? then is the cauſe intrinſicke and ſubſtantiall, and may be eaſily conſidered and reſolued, if it be good or euill, to be intertained, maintained, and ſet forward, or rejected, and ſtaied from all further courſe: if there be any other cauſe or reaſon, it muſt of force be extrinſicke and accidentall, let the ſame be ſearched out: if it be good to the Prince and eſtates weale and commoditie, it ſhould be aſſiſted and continued: if it be tried euill, proceeding from the policie and craft of trades-men tending onely to priuate gaine and commoditie, prejudicial to the Prince and State to be gaineſtood and expelled. This proportion being ſent vnto me by a great perſonage then in high place, was made plaine by demonſtration, to proceed of an accidentall cauſe by aduancing the valuation of gold partly in England, when Crowne gold was valued from fiftie fiue ſhillings the ounce to three pound, and partly in France, when they did aduance the French Crowne *in ſpecie* fiue ſouls; aduiſing therewithall that to remedie the ſame, it was not to be done by inhancing of our gold ſtill more & more, but in the price of Exchange betweene France and vs, otherwiſe we ſhould vndervalue too much the ſiluer of the Realme to our exceeding loſſe, ſhewing withall how eaſily this might be done, without alteration of the proportion obſerued betweene gold and ſiluer for moſt places. But the contrary was approued, and Crowne gold was more inhanced to ſixtie ſix ſhillings the ounce, by two ſeuerall Proclamations, which hath proued the loſſe of our Siluer in bullion or weightie coyne, dayly breeding greater inconueniences by the want of our monies, which by reaſon of the vndervaluation in exchange, and not by vndervaluation *in ſpecie*, are continually exported, none imported but diuerted (by gaine) for other places, as hath beene declared. All which commeth to paſſe for want of true judgement and experience in mint affaires, with the conſideration of the ſaid Eſſentiall parts of trafficke ſo often mentioned, whereof I hope (that in generall meetings for the publike) more regard will be had, to the end it be not recorded of vs, as it hath beene of ſome Parlements in France, that *in populi republica ſententiæ numerantur, non ponderantur*: and then we ſhall be ſaid to vnderſtand the *Par*, by right diſtinction betweene the actiue and paſſiue.

Nouember 1611.

Ariſtotle ſaith, that Action and Paſſion are meerely Relatiues, and that they differ no more than the way from Thebes to Athens, and from Athens to Thebes: let vs

Phyſ. 3. lib. ca. 3.

diſcerne therefore the one from the other, and we ſhall finde that as the Liuer *(Money)* miniſtreth ſpirits to the Heart *(Commodities)* and the Heart to the Braine *(Exchange)* ſo doth the Braine *(Exchange)* miniſter to the whole *Microcoſme*, or the whole Bodie of trafficke. Let the Heart therefore by the Liuer, receiue his tintured Chilus by his owne Mouth and Stomacke, and the Bloud (full of Spirits) ſhall fill all the Veines, and ſupply the want of monies, the eaſie courſe and recourſe of whoſe Exchange ſhall bring all things in tune, and ſerue all mens turnes. For euen as there are two courſes obſerued of the Sun, the one annuall, and the other by dayly declination riſing and going vnder within the Æcliptique line, euen ſo muſt we obſerue in Exchange two courſes, the one according to *Par pro pari*, or value for value, the other riſing or falling from time to time, as hath beene ſufficiently declared: whereof the ſaid *Ariſtotle*, *Seneca*, nor *Cicero*, nor any other Philoſopher or Orator could take notice in the infancie of trade, Exchange not being then inuented; neither do we finde that any Temporall or Ciuile Lawyer hath entred into this important ſtudie, for the welfare of Kingdomes and Common-weales (by the rule of Equalitie and Equitie) hitherto.

Two courſes of Exchange like the two courſes of the Sunne.

To conclude therefore this Paradoxicall diſcourſe, I cannot omit to do the ſame, with another Paradox by me obſerued, in the making of moneys of gold and ſiluer, namely;

A very ſtrange Paradox.

That a man may commixe Bullion to make a certaine ſtandard of monies, either of gold and ſiluer, and after the commixture made, ſhall alter the ſtandard and make the ſame better or worſe, without putting any allay or ſiluer and gold vnto it.

That is to ſay, I will melt downe eleuen ounces and two penny weight of fine ſiluer, and eighteene penny weight of copper, both one pound Troy of twelue ounces in weight, making the ſterling ſtandard, and yet my monies made thereof ſhall be but ten ounces fine. In like manner I will melt downe ten ounces of ſiluer, and two ounces of copper and more to make a ſtandard of ten ounces fine, and yet my monies made thereof ſhall be eleuen ounces fine, or ſterling.

To vnderſtand this myſterie or Paradox, we are to note that in the making of a ſtandard of moneys, three things muſt concurre and haue an equalitie proportioned vpon the pound weight of twelue ounces Troy, namely, Fineneſſe, Allay, and Weight of the peeces made out of a pound, which is the ground worke of the ſubtile aſſay; according to which all Aſſaymaſters make their calculation by the marke of eight ounces, or the pound of twelue ounces, making one marke and one halfe.

Suppoſe now that (as in ancient time of King *Edward* the third) one pound weight being diuided into twelue ounces, euery ounce was diuided into twentie pieces, or is now diuided into ſixtie peeces, or three pound making ſixtie ſhillings, which then made but twentie, and that theſe twentie pieces or ſixtie ſhillings were diminiſhed by the ſheyre, and there is made twentie two pieces, in regard of the twentie or ſixtie ſix pieces, in the liew of ſixtie pieces, which is ten in the hundreth that the ſaid pieces are lighter than before, conſidering peece by peece: Now an Aſſaymaſter receiued one of theſe peeces to make an aſſay thereof in manner by vs declared (in the Second Part of this Booke, in the ſeuenth Chapter of the aſſayes of Bullion and Monies) and hauing weighed the ſame, he calculateth how many of theſe peeces do make or weigh one pound, and he findeth twentie two or ſixtie ſix pieces or thereabouts, becauſe of the vneuenneſſe of the ſheyre, which being tried, he maketh report of the fineneſſe accordingly: ſo that wanting in regard of the pound, tenne in the hundreth by weight, there muſt needs be wanting ſo much in fineneſſe, and ſo eleuen ounces molten downe, is found to be but ten ounces fine: and in like manner, &c. All which in matter of exchange can be conſidered of and preuented as it ſhall pleaſe the Kings Majeſtie, and his Highneſſe priuie Councell.

Ebbing and flowing of waters, compared to the falling and riſing of Exchange.

The predominant Power of exchange riſing and falling in price, may be compared to the ebbing and flowing of the Seas, whereof no reaſon can be rendred, albeit wee find the courſe thereof to concurre with the increaſe and decreaſe of the Moone, which borroweth

borroweth her light from the Sunne, whereunto wee may attribute a naturall *Primum Mobile* of mouing.

This motion is not ſo perceptible in the maine Ocean ſeas, as viſible in the riuers, ſtreames and branches thereof. Euen ſo in the ſeas of exchanges, we are to aſcribe the firſt motion of riſing and falling in the price of exchange vnto the Bankers, albeit the operation of it be not ſo apparant in thoſe maine exchanges, as vpon the bankes of the courſe of trafficke by commodities and monies (ſubject to inundation) in the particular exchanges of ſome countries, which run into the maine ocean of exchanges, as a riuer or branch of the ſame.

As this ebbing and flowing is aggrauated by accidentall cauſes of raine, ſnow, and the like by the alteration of weather: ſo doth the riſing and falling of exchange, increaſe and decreaſe by the alteration of State affaires betweene contending Princes, according to the vſe of monies. And euen as the ſeas are girt in by Gods commandement, that they cannot ouerflow the maine bankes of the earth; ſo the courſe of the riſing and falling of exchange in price, may be girt in by the Kings commandement, that it ſhall not ouerflow the courſe or bankes of trafficke to the inundation of our home commodities and monies.

A great conſideration beyond the common capacitie of men.

This Simile putteth me in minde to remember the Poeticall fixion of the ſerpent *Hidras* with many heads, whereof one being cut off by *Hercules*, forthwith another did appeare, alluding therein to the riuer Nilus which had many branches, whereof the one being ſtopt in one place, cauſed another to ouerflow in another place, augmenting *Hercules* Labours, being therein like vnskilfull Phyſitians, which (to cure a diſeaſe) do many times caſt the body into a more dangerous ſickeneſſe: whereas the learned Phyſitian will finde an eaſie cure, knowing the efficient cauſe of the diſeaſe, without which conceited remedies are but meere ſhifts and extremities.

Ariſtophanus hath painted forth the agonie of an aged man, altogether ſhipwracked by vſurie, who thinking to haue found out the way to be eaſed of his ſlauerie, did propound vnto *Socrates* this demand, That if he ſhould (by the inchantment of a witch of Theſſalia) fetch the Moone out of heauen, and bring it away, and afterwards incloſe it in a caſe of glaſſe, and ſo keepe, as if he would keepe a fly in a boxe: *Socrates* demanding, what good that would do him? he anſwered, if the Moone do neuer riſe againe, I being conſtrained to pay money by the new Moone ſhall be freed from that trouble. A ſtrange ſhift that this poore man was driuen vnto (apprehending a ſhadow for a reaſon) to plucke by violence the Moone out of heauen for his helpe, for in truth the witch did her beſt, and begun to charme the Moon, which when the vſuror vnderſtood, did put him in ſuch a pelting chafe as was wonderfull to behold, for accuſing this poore man of enchantment. At laſt he went himſelfe to another witch, not onely to keepe the Moone from comming out of heauen, but alſo to haſten the courſe of her faſter, to recouer his vſurie the ſooner. Good God what a trouble was the Moone put vnto betweene theſe two witches? What ſtormes and tempeſts did ariſe? What horrible winde did blow? What great raine did fall? What flouds enſued euery where? So that countries were almoſt drowned, and vnder water in many places.

The morall of theſe Metaphors, concurring with our former compariſon, doth not onely ſhew vnto vs the operation and conjunction betweene the Moone and Waters, but alſo the folly of vaine conceited remedies.

The propounded remedy therefore for reformation of the abuſe of exchanges, is grounded vpon the rule of Equalitie and Equitie, whoſe Antitheta are inequality and iniquitie, which euery man ought to ſuppreſſe: Equalitie is amiable and accompanied with eaſe and facilitie, but inequalitie is hated and aſſociated with trouble and difficultie. The difference whereof is like this Geometricall Axiome, in commendation of the inuention of round wheels to draw and carry loads with a ſmall ſtrength. *Circulus tangit planum vnico puncto:* For if the wheeles ſhould haue beene made ſquare, or in any other polyangle and proportion, fortie horſes would not ſo eaſily draw them being laden, as two doth now with ſpeed and eaſe: what eaſier thing can there be, than to ſet and command a price in exchange to be obſerued according to the value and equalitie

of

A moſt eaſie remedy, as aforeſaid.

of monies domeſticall and forrein, and to let all Merchants exchange one with another by Bills of exchanges as they now do, and can agree amongſt themſelues, but neuer vnder that price ſeeing it is againſt all reaſon, nature, and policie to vndervalue the Kings money by exchange, and all the commodities accordingly to the incredible loſſe of the Realme. Will not this be as eaſie to be done, as we ſee the rudder of a ſhip doth gouerne the greateſt carracke or veſſell, being but a ſmall piece of timber faſtened vpon the paralell of the keele of the ſhip, whereby it is directed according to all the variations of the Compaſſe as we haue ſaid elſewhere?

Let the practiſe hereof aſſure vs, and we ſhall not need to ſeeke the golden Fleece in *Colchos*, which we haue within our owne Iſland of Great *Britania*; our feeble pulſes will be felt, when our hammers ſhall beate in the Mint, for monies and bullion, are (to the State) a ſecond life.

Hedgemints what they be.

If any Hedgmint (for ſo do the States of the Vnited Prouinces of the Netherlands call the Mints of pettie Lords, which by falſified ſtandards doe imitate to coine the money of other Princes) ſhould ſeeke to maintaine inequalitie, all their imaginations will proue to be but chymeraes and toies: for it will be eaſier for the King to alter the price of this equalitie of exchange accordingly, than it is for a Miller to turne his Mill to grinde his corne with all windes; inſomuch that when it ſhall be once eſtabliſhed and knowne, there will not want ſome backbiter or *Momus* to make little eſtimation of this *Columbus* voyage to the rich *Indias*, and goe about to diſgrace this great ſeruice to the King and Commonwealth, for they ſhall be able to ſet an egge on the end (by way of imitation) as others did when they ſaw it done before.

Prerogatiue Royall to ſet a price for monies.

By theſe meanes ſhall the ancient Office of the Kings Royall Exchanger be ſupplied, and it is one of the greateſt prerogatiues the King hath to ſet downe a price on his owne coyne, and thereby to giue a certaine meaſure to buy and ſell, which is by the Merchants exchange and conniuence of tolleration by forreine States abridged, and in a manner fruſtrated: and it imports the King more to reforme this exchange, than any other Prince; becauſe God hath ſo bleſſed England, that no Nation in Chriſtendome trafficketh ſo much in bulke of Staple commodities as this Realme, which *Boters* (though altogether Spaniſh in times paſt, and no friend to England) confeſſeth that two yeares before the taking of Antuerpe, all the wares of Chriſtendome being valued and ſummed (by the officers of that Citie) which were vented there in one yeare (the whole being diuided into ſix parts) the Engliſh amounted to foure parts thereof; which is the cauſe alſo that England hath the head of exchange, which is our Baſis and foundation of our twentie ſhillings ſterling, whereupon moſt exchanges are made, and this head may command the members and parts of the body more conueniently by the Kings commandement, as before hath beene declared.

An. 1584.

The Baſis of Exchange.

I haue in this Chapter thought conuenient to remember this important matter againe, with a varietie of ſtile to reuiue and recreate the ſpirit of the Reader, to the end (all the premiſſes) may in his apprehenſion and conceit giue more delight and pleaſure euen to naturall mother wit, whoſe commendation may not be omitted.

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CHAP.

CHAP. XIX.

The due commendation of naturall Mother Wit.

FOr as much as all humane actions being fallen from perfection to imperfection, are to aſcend againe from imperfection to ſome meaſure of perfection; Naturall Mother Wit caſting her eies backe, *Per varios caſus, per tot diſcrimina rerum*, challengeth the precedencie of Art by way of *Proſopopeia*, by her ingenious obſeruation of number, weight, and meaſure, vnder which ſhee hath noted, that all ſubſtantiall things vnder the cope of Heauen are ſubject. Who will deny (ſaith the intellectuall part of Wit) that euen as *forma dat eſſe rei*, ſo I cauſed dame Nature to performe her function by producing ſpotted lambs, when I ouercame the eie-ſight in generation, ſo when the teeth of infants come forth orderly and conjoyned by my obſeruation, are they made an obiect for the tong to play vpon? did not I teach thoſe that could not pronounce the letter R, to lay little pimble ſtones vnder their tongue, to eleuate the ſame, to make them apt thereto, as alſo to cauſe the ligaments to be broken, without which the Grammarian cannot aſcribe to himſelfe, *Vox literata & articulata, debito modo pronunciata?* By which abilitie, the Caldean, Hebrew, Greeke, and Latine letters were afterwards by Arts inuented, vpon which foundation Logicke was builded, whereby I cauſed *verum & falſum* to be diſtinguiſhed, and truth to be diſcerned, which the Logitians haue ſo much obſcured by their Silloginſmes and arguments founded vpon Diſtinctions, Diuiſions, Subdiuiſions, Quillets, and Exceptions by varietie of termes, that without my helpe the truth can hardly nakedly be known, which by art ſhould be made plaine and not intricate; for a ripe Wit will diſpell the foggy miſteries of deceitfull fallacies, as the Sunne driueth away the winds and clouds. Poëts are beholding vnto me, whoſe Naturall witty facultie maketh them famous, according to the Prouerbe, *Naſcimur Foetæ ſimus Oratores*. But now Art ſteppeth in, and claimeth the honour of Rhetoricke, as deuiſed by her with the helpe of the facunditie and fluencie of ſpeech, and is called *Ornatus perſuaſio*, whereunto the celeritie of Wit, occurreth, ſaying, ſoft ſir, do not take me to be all Wit without wiſedome, like vnto trees full of faire leaues without fruit, for loe, yonder commeth Arithmaticke, which is the originall and ground of all the ſeuen liberall Sciences or Arts, without which, none of them can ſubſiſt; her poeſie is *Par & impar*. This foundation was laied by me amongſt the heathens and vnlearned creatures of America, and other countries, to demonſtrate numbers by fingers and toes, telling two, three, foure, and ſo to ten, then ten and one, and ten and two, and ſo forth, ſtill making ſignes as they ſpeake, and when they will reckon twentie, they will hold downe both their hands to their feet, ſhewing all their fingers and toes, and as the number is greater, ſo will they double and augment the ſigne, obſeruing the ſame by a little bundle of ſtickes laied or tied together, and ſeparated aſunder, obſeruing thereby their paiments and promiſes, according to Number, Weight, and meaſure. This is that accounting by ſcores yet vſed, whereof their Arithmaticke gaue denomination before any of the ſaid Arts were inuented; and this is properly to be attributed vnto me *ab origine*. For I haue noted, that in things created and ingendred the Elements are numbred, proportionated, and weighed, which is the cauſe of the diuerſitie of things exiſtant of Matter, Forme, and Depriuation, whereof euen the letters (to deſcribe them) are numbred, and the figures of the leaues of herbes and plants do declare their vertues. Vpon this ground of Naturall Arithmaticke is Geometrie builded: for the proportions of

Gen. 30. ver. 37.

Grammatica.

Logica.

Rhetorica.

Arithmetica.

Geometrica.

all

all measures drawne from vnitie, which is the fountaine of numbers, whereby measures are described, before the art of it was inuented. Is it not my only and first obseruation that Musick was practised by the sound of the hammers of *Tubalcayn* vpon the Anuile, whereby so many and sundry musicall instruments haue bin deuised? Lastly for Arts Liberall, Is not Astrologie obserued by the Wit of the Ægiptians in many hundreth yeres, whereby they haue found out the course of the Heauens and Stars, with their distances and dimensions, explained by Arithmeticke and Geometry, whence the Inch, Thumbe, Finger, Palme, Hand, Cubit, Brace, Boot, Pace, and all other measures and proportions haue beene deriued? The little infant not three yeares old was taught by me to discerne his portion, in eating pottage with the pig, saying, take a spoone pig, when the slabbering of the pig carried away the bigger part, for I did note before *Euclide*, that the whole is bigger than his part, which diuided into equall parts are al alike.

Musica.

Astrologia.

You that are passing by, stay and pause a while, looke vpon Naturall Mother Wit, that hath obserued the beginnings, progresse, continuance, and end of all things, wherin I do supply and disguise many defects and deformities both in the minde and body of man: and when there is found by me abilitie of Nature, then Art giueth facilitie; as a Maxime in Physicke I found, that *contraria contrarijs curantur*, and that the franticke man is excepted out of this rule, for he must be fed in his humerous disease; for he that did imagine that he was dead, and therefore forbeare to eate, was made beleeue (by the sight of counterfeit dead men eating) that dead men did eate, whereby he fell to his victuals and saued his life, and at last was cured.

A Maxime in Physicke:

I made the deafe Musitian of Bridges to vnderstand all men in 3 seuerall languages, only by obseruing the motion of the lips without hearing of any voice or sound at all.

Master *Verbouen.* *Anno* 1585.

It was I that made the blind man in Antuerpe to make (in a darke place) rare wooden trumpets of excellent sound, and carued images of his owne inuention, as also by the imitation of other pictures, only by the sence of feeling: and vnto me belongeth the inuention of spectacles, prospectiues, and other preseruatiues of sight, and remedies for all the other senses.

It was I, that (by organes of the mouth, being touched by a sticke held vpon the virginalls, and resting vpon the teeth) caused the deafe Musitian to teach mens children to play vpon them, whereby he got his liuing.

I did teach the maiden to sow and write with her feet, when both her hands were lame and impotent. And vnto others I did shew meanes to cure lameneſſe, giuing strength to the sinowes, onely by rubbing and conducting the bloud into the veines, by a warme hand, without Art; for I did obserue that in the Microcosme, or the little world of mans body, there are diuers naturall cures and remedies, namely,

The naturall cures of the bodie.

The spittle dissolued into water, and poured into the eare cures deafenes, takes away itching or ebulition of the bloud, and clenseth inuetorated wounds and scratchings.

The sweat of the feet by smelling cureth the palsie.

The eare waxe annointed in the nosthrils, comforteth the smelling.

The vrine laid on with browne paper, asswageth the paine of the gout.

The excrement laid on, qualifieth the immoderate heate of the body.

The pairing of the nailes taketh away the drowsineſſe of the braine.

The fleagme dissolued openeth the conduit pipes: The coldneſſe of the hands applied to the head taketh away the dolour of the braine, and many other obseruations may be vsed in lieu of other remedies.

Naturall witty iudgements.

The judgement which *Solomon* gaue betweene the two women which were striuing for the childe, vpon the diuiding and partition of it; did it not proceed of Motherly Wit by naturall reason?

Alphonsus King of Naples (vpon a deniall that a father made who would not acknowledge his sonne because of some priuate quarrell) was aduised by me to command the sonne to be sould for a slaue, and then Nature could not faile to shew her operation: which in like manner caused *Claudius* the Emperour to command a malitious mother to marry her sonne (denied by her) who rather than to doe the same, did acknowledge and confesse him to be her sonne.

Naturall

Naturall wit made the Bees to diſcern the naturall floures from the artificial floure, although the ſame was made of wax, and did retaine the ſmell and ſweetneſſe of hony. And I haue obſerued the natural & violent paſſion of the loue of parents to their children; inſomuch that not many yeares ſince, a father thinking to haue beaten his ſon, receiued a mortall wound at his ſons hands, being thruſt in with a ſword through the belly, did not ceaſe to cry vntill death, that his ſonne ſhould fly, thereby to eſcape the puniſhment of juſtice. Infinite are my experiments in nature, before Art was; but tell me Art, canſt thou make any thing but of things already made, putting a diſtinct determination betweene things for the better vnderſtanding? Whereunto Art replying ſaid and plainly confeſſed, that ſhe could do no more without mother Wit, than an Artizan or crafts-man can do without materials and tooles in matter of his profeſſion and occupation. And hereupon did mother Wit conclude, not only to haue the precedencie of Art, but alſo to bee able to controlle Art, without either Logicke or Rhetoricke.

Naturall Logicke.

The country *Coridon* hauing a ſcholler to his ſon, demanded of him what rare things and exceeding his ordinarie knowledge, hee had learned (whileſt they were at dinner) the ſonne ſeeing two roſted chickens in a diſh, told his father that he could make him beleeue that theſe two Chickens were three; which was admirable both to his father and all his gueſts. The ſon being thereby inflamed, ſaid, Look ſir, here is one, pointing at the chicken, and here is two, pointing at the other chicken, and no man can deny but that one and two are three. But *Coridons* wit did proue actiue, for he gaue his wife one chicken, and tooke the other chicken to himſelfe, and willed his ſon to take the third for his learning, if he could finde it, whereby Art was controlled.

CHAP. XX.

Of the antient gouernment of the Staple.

THe precedent ſhort commendation of mother Wit miniſtreth an occaſion to enter into a retrograde conſideration, how the courſe of trade was managed heretofore; remembring in this particular the prouerbiall ſpeech, *Nil noui ſub Cælo*, the rather for that ſo many good Acts of Parliament haue beene made long ſince concerning the ſame, when the Staple of our Commodities did flouriſh, both here & beyond the ſeas, in the time of King *Edw.* the third. And hauing of late publiſhed ten cauſes of the decay of trade, it may be thought conuenient to examin the ſame vpon the ſaid points.

The maintenance of free trade, *An.* 1622

1 The vnder-valuation of our monies by Bils of exchange, and the ouer-valuation conſequently of forrein coine vnto vs, which is the efficient cauſe of the want of mony in England.

2 Vſurie politique practiſed by many, and abandoning Trade.

3 The litigious ſuits in Law, to the hinderance of Trade.

4 The neglecting of the fiſhing trade, preoccupied by other nations.

5 The endraping of Wooll in other countries, of late much encreaſed.

6 The policies of Merchants of ſeuerall Societies.

7 The falſe making of cloth and other manufactures.

8 The exportation of the materials of Wools, Woolfels, &c.

9 The wars of Christendome, Pyrats, and Bankrupts.

10 The immoderat vse of forrein commodities within the Realme.

The beginning of the Staple.

But before we come to this examination let vs obserue the beginning of the Staple and their priuiledges in the gouernment thereof.

The most antient foundation of Merchants and merchandising within this Kingdome, both for trade and gouernment, had by continuance of time before King *Henrie* the third did obtaine the name of Staple; the commodities of the realme, as Woolls, Leather, Woolfels, Lead, Tinne, Butter, Cheese, Cloathes, and other Commodities, were called Staple Merchandise. The Ports from whence the said commodities were to be transported, were called Staple Ports, as London, Westminster, Hull, Boyston, Bristoll, Southampton, New-Castle, and other places. The places of residence of these Merchants, both within this land and beyond the seas, were called the Staples. The Lawes and ordinances made by the said Merchants were called Staple Lawes. Vnder their gouernment (consisting of a Maior, two Constables, and other officers) hath the trade of this Kingdome time out of minde flourished, to the great enriching of the Kings and Kingdomes: and it hath been supported and assisted by the wisedom of the State in all ages, as may appeare by the seuerall Acts of Parlement made for that purpose in the times of *Henry* the third, *Edward* the third, *Richard* the second, *Henry* 4, *Henry* the fift, *Henry* the sixt, and King *Henry* the seuenth. So that comprehending the Merchants Aduenturers Societie with them, which began in the said time of King *Henrie* the seuenth, it is aboue 400 yeares standing, that the Societie hath bin, as we haue noted. For by the prouidence of all those Princes, the Staple trade was from time to time established, and especially by King *Edw.* the third, in whose reign a great number of memorable Lawes were made for the purpose, appointing the said officers and their fees, to preuent extortion; and all the Kings subiects that would bring their goods to the staple and trade, according to the Lawes and ordinances thereof, were admitted to be Merchants. Such was the free trade of this kingdome in those daies, wherein the subjects of all sorts vpon all occasions might freely participate vnder gouernment.

The ancient free Trade.

At these Staples were the Kings Customes duly collected, and by the officers of the Staple, at two seuerall times, payd into the Kings Exchequer; and by their gouernement were many inconueniences preuented, whereby the former causes of the decay of Trade were either moderated or reformed; namely,

1 The monies of the Realme were required to be answered in true exchange, according to their intrinsique value, and their Dollar or other forrein coine was by the Maior and constables valued accordingly; for there was no merchandising exchange vsed, neither were Bankers knowne: and when there wanted mony in the Kingdome, or was like to want, order was taken by them to import Bullion, either the $\frac{1}{5}$ or the $\frac{1}{3}$ part of the value of Commodities exported. The debts between Merchants were transferred or set ouer by Bills to be registred before the Maior or Constable, which was currant without the strict proceedings of our Common Law. And the like may be done now by a Register authorised by his Maiesties Letters patents.

2 In those daies Vsurie was accounted to be an abominable thing, for it was not vsed by any course politique: but seeing it is now so generall in all countries, the best remedie to abate the same in price, is to procure plentie of money within the Realme by the means before mentioned, which will be more effectuall of course, than any law that will be deuised for the moderation thereof.

3 To auoid the litigious suits in Law, the said Maior and Constables of the Staple had authoritie, to determine them with all expedition: and if it were vpon a difference betweene a Stapler and a Merchant stranger, there were two Merchant strangers admitted and joyned with the Maior or Constables to determine the same, and that with a present execution without delay, especially vpon a Statute Staple acknowledged before the Maior or Constable, as aforesaid.

4 The fishing Trade was not preoccupied by forrain nations, as it hath been within these 100 yeres, as hath beene noted; albeit such Ships as were permitted to fish in the Kings Seas, and dominions, paied six pence for euery tunne burthen, which is now

eighteene

eighteen pence,and this trade might be eſtabliſhed with vs, notwithſtanding that the ſeueral ſocieties of the Merchants Aduenturers,Ruſſia,and Eaſtland Merchants are of opinion that England cannot maintain the ſame and the Cloth trade together,as they haue certified.

5 The indraping of wooll or making of cloath being of late much increaſed beyond the ſeas, and leſſe cloath made with vs, may giue the better meanes to eſtabliſh the Fiſhing trade as aforeſaid.

6 The policies of the Merchants of ſeuerall countries is to be met withall,as the Staplers did in times paſt,looking to the ſales both of wools and all other ſtaple commodities, and the prices of forreine commodities, to preuent the ouerballancing in price of the ſaid forrein wares with our natiue commodities.

7 To preuent the falſe making of cloath let vs obſerue that at theſe Staples merchants goods were alwaies diligently and carefully viewed and ſubſcribed, by the correctors and other officers of the Staple, to the end that all goods exported might bee anſwerable in goodneſſe to their expectation vpon the view required,whereby the ſtaple trade continued without any interruption, for they were the ſole Merchants of the Realme without competitors,vntill the time of King *Henry* the fourth, at which time certaine Mariners and Mercers in London,vſing to barter Engliſh clothes in Holland Zeland, Brabant,and other places, had by the ſaid King *Henry* the fourth, a gouernour ſet ouer them only to be a Iudge to heare and decide their controuerſies,and to puniſh their miſdemeanors,with licence that they might congregat themſelues for that purpoſe,as by the Graunt appeareth. This Licence they in ſhort time peruerted, to the great diſturbance of the antient courſe of the ſtaple, whereby the trade of the Realme greatly declined,and the Kings Cuſtomes greatly decreaſed, ſo that from 160 thouſand pounds yearely paid out of the Staple,the Cuſtoms came ſhort of 120 thouſand pounds. Theſe new Merchants terming themſelues *The Fraternitie of Saint Thomas of Becket*,were by Act of Parliament,and by direction vnder the Great Seale of England in the time of King *Henry* the ſixth, prohibited from doing any act that might prejudice the Staple,and ſo it continued vntill the 22 yeare of King *Henry* the ſeuenth, and then there was another great complaint in Parlement againſt the ſaid Fraternitie, for decaying of Trade,and a very ſtrict Law made againſt them, with eſpecial order, That they ſhould admit any of the Kings Liege people into their ſocietie, paying to them ten marks,which vnder pretence of ſome priuiledges hath bin interrupted,and eſpecially by his Majeſties proclamation in the fifteenth yere of his Highneſſe happy reign, by reaſon of the controuerſie for the dreſſing and dying of cloath: neuertheleſſe in all their Grants exception is made, That the Staplers ſhould not be prejudiced, which in the wiſedome of a Parlement will be found moſt neceſſary to be vnited again, to make a free trade vnder gouernment.

The Fraternitie of S. *Thomas* of *Becket*.

8 The exportation of the materials for cloath,as Wools, Fullers earth, Woolfels and Wood-aſhes, is prohibited lately by his Majeſties proclamation, with good Orders for the execution thereof,according as heretofore was done by the Correctors of the Staple for other commodities.

9 Touching the wars of Chriſtendome, let vs obſerue that King *Edw.*3. had alſo great wars in his times with France and in Ireland, and neuertheleſſe he did receiue a very great aſſiſtance by Subſidies of 50 *ſ* vpon euery ſacke of Wooll exported for and during the time of ſix yeares,which amounted 1500000 *li*, when one ounce of ſiluer was valued but at 20 pence,which would now amout to 4 millions and a halfe.

10 And laſtly, the immoderat vſe of forreine commodities was by the Maior and Conſtables of the Staple had in conſideration; for they had alwaies an eſpeciall care to the inriching of the kingdom,becauſe the prouident care of the King did put them in minde thereof: inſomuch that when the ſaid King became forgetful therein by reaſon of the wars,and that the kingdome wanted Chaffer, wares, and neceſſarie prouiſions, the Parlement did abſolutely deny to giue him any ſubſidie,as appeareth by *Graftons* Chronicle in the 51 yeare of his reigne. So that by the premiſſes things haue bin in ſome meaſure conſidered of,when leaſt diſorder in trade appeared.

A Concluſion to the juditious Reader.

THe triviall vice of Enuy is ſaid to be the mother of wickedneſſe, and accounted to ſit in an imaginarie theatre: Her palace is a dimme and hollow vault, wherein ſhe waxeth pale and wanne, as hauing the Conſumption of the liuer, looking aſquint as borne vnder *Saturne*, neuer reſting, as though ſhe were an arme of *Ixions* wheele; ingendered and hatched by the vgly Megara of Hell, that feeds and crams her gorge with Dragons, and ſomes out againe deadly poiſon. This vice hath ſent forth triple-headed *Cerberus*, vnder the ſhadow of *Zoilus*, *Momus*, and *Maſtix*, to performe her intended tragedie: but *Zoilus* (remembring that his railing Commentaries preſented by him to *Ptolome* King of Egypt, and his preſumption to be better learned than *Homer*, did worke his ouerthrow) goeth by with ſilence, and ſhaking his head ſeemeth to be diſcontented, and vnder hand he doth inſtigate *Momus* and *Maſtix* to follow their enuious humors: whereupon *Momus* (with his carping eies dimmed with paſſion) hauing curſorily read ouer this booke, taketh vpon him to be a great Politician or Statiſt, and findeth fault that many things therein contained (which hee termeth myſteries) ſhould be publiſhed and made knowne, eſpecially ſuch as may concerne Princes in their reuenues, or ſecrets of their Mints. Vnto him therefore I frame this anſwer, confeſſing and auoiding, That true it is, that the antient Monarchies, Empires, & commonweales held the knowledge of their Reuenues in ſuch reuerence and ſecret, that none but the officers which had the managing thereof, were made priuy of them, as being ſacred things, not fitting that the people ſhould take notice thereof; which was truly obſerued in the Roman Empire, and Commonweales of the Grecians. But as times produce varietie, and the maners of men do change, breeding corruption of laws and cuſtomes; ſo was it found, that by this ſecrecy officers were both emboldened and inabled to deceiue their Princes thereby, and the people would pretend ignorance to giue vnto them their dues: whereupon the Senators of Rome by mature deliberation did ordain, That from that time forward the reuenues of their treaſurie and the dependances thereupon ſhould be publiſhed and made known, not only vnto the people, but vnto ſtrangers alſo; which the Emperor *Iuſtinian* cauſed to be obſerued, and other Emperors ſucceeding him, as appeareth by the Code and other bookes, which the French Kings haue imitated euer ſince, willing and commanding that theſe things ſhould be knowne of euery one, yea euen of the meere ſtrangers of other countries. So that this obiection is of ſmall moment, eſpecially this booke being moderate in the handling thereof.

Three enuious Satyrs.

Now *Maſtix* riding a falſe gallop on a hackney horſe (being full fraighted of Conceits) commeth to towne and maketh two exceptions to the method and contents of the booke: firſt, he will not allow the termes of art, by diuiding of the ſame according to the three eſſentiall parts of traffique: next he will not haue Merchants ſecrets layd open, or their trades divulged.

To the firſt, concerning the being, eſſence, or exiſtence of things, he wil make no difference between naturall things and things artificiall, and ſo there is but two eſſential parts of *Materia & Forma*, albeit that ſome Philoſophers haue eſtabliſhed three beginnings of naturall things, Matter, Forme, and Depriuation; The Matter hath no other office or function, but the changing from one Forme into another, Depriuation giuing an inclination thereunto; for Depriuation is an imperfection ſo conjoined vnto the Matter,

Matter, that without her, if ſhe were ſeparated, nothing would be ingendred; and therfore in heauen there is no depriuation, and conſequently no generation nor corruption. The Forme therefore giueth perfection to the thing, and being alſo, and without her the Matter is more imperfect than the eye is without the fatultie of ſeeing, or the ears without hearing. But in artificials the beeing hath her parts as Traffique hath three, namely Commodities, Money and Exchange: ſo other things may conſiſt of more beings or ſimples, wherein the termes of Art are not excluded, neither can they auoid *Maſtix* his enuy.

To the ſecond, the whole contents of this booke manifeſteth to all juditious Merchants, how neceſſarie the knowledge is of the matter therein contained, to maintaine equitie and juſtice by the Law of Nations, and that there is no particular ſecret of any Merchants trade reuealed, to the prejudice of any man or nation: inſomuch that they are much pleaſed with it, as beeing deſirous to aduance the good, and to baniſh the euill; obſeruing that Vertue maketh a ſtranger grow natural in a ſtrange country, and the vicious becommeth a meere ſtranger in his owne natiue ſoile. Let Vertue therefore enioy her freedome, and poſſeſſe her priuiledges by the right of Law, and all the people ſhall flouriſh with equitie; Iuſtice ſhall maintaine peace, Peace ſhall procure ſecuritie, Securitie ſhall nouriſh wealth, and Wealth Felicitie. No man is to be diſmaied at his ſmall talent, or to grudge at anothers greater proſperitie: for without doubt, Nature hath by her ſecret motion denied none ſome perfect qualitie to ſupply that want which in himſelfe breeds diſcontent or miſlike: for euen as the fiſh (hauing no eares) hath a moſt cleare ſight; ſo though want of dignitie be a diſgrace to ſome, though want of coine diſcontent diuers, and though lacke of wealth impaire the credit of many; yet Nature hath ſupplied that outward ornament with ſuch an internall reward, as a loyall and louing heart (nowithſtanding many hard meaſures) will with conſtancie ſpend all his time for the good of the Commonwealth, beeing thereunto imployed.

This Worke thus at length happily concluded, and commended to the kind acceptation of all gentle and well diſpoſed mindes, is not compiled to pleaſe the vaine appetite of ſome men, according to their nice opinion, but is referred to the judicial and affable judgements of this Age, to whom I ſhall, during the remainder of my dayes, alwaies be ready to ſupply any thing which in the next impreſſion may be deſired; not doubting but they will meaſure it by the iuſt deſert, and cenſure thereof as their own kind Natures haue euer beene accuſtomed.

Soli Deo Gloria.

FINIS.

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